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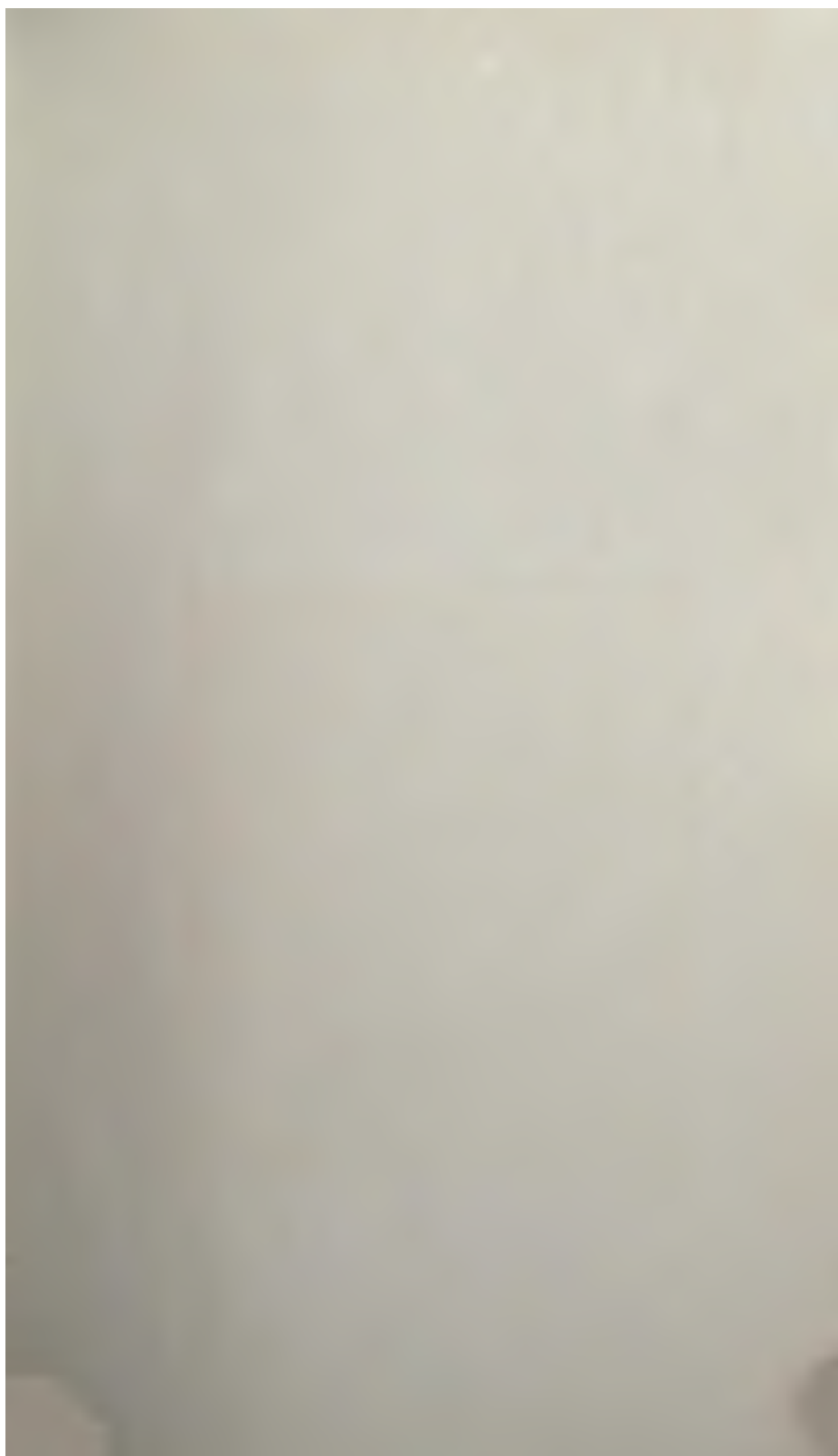
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Right and Duty of Prohibition.

ARGUMENT

BEFORE A

JOINT SPECIAL COMMITTEE OF THE
MASSACHUSETTS LEGISLATURE,

IN THE

Hall of the House of Representatives,

BY

A. A. MINER,

April 2, 1867.

PHONOGRAPHIC REPORT.

BOSTON:

WRIGHT & POTTER, PRINTERS, No. 4 SPRING LANE.

1867.

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INTRODUCTORY.

The Petitioners for a license law, under the leadership of Hon. Alpheus Hardy, were represented before the Legislative License Committee by Hon. John A. Andrew and Hon. Linus Child as counsel. Although the movement appeared to emanate from the leading petitioner and his associates, it became evident in the progress of the examination that the liquor-dealers of Boston were the real authors of the plan, as discussed in a meeting of theirs on April 19, 1866, when it was said, "*It will not do to let the effort emanate from the liquor-dealers as liquor-dealers—that a petition was circulating among the dry goods and other merchants, looking to a meeting in Faneuil Hall with this object in view; but it must not appear that the meeting was held by the liquor-dealers, for the moment the liquor element was introduced, the influence was lost.*"

Also, in this connection, the following secret circular, that was issued subsequently to the traffickers in strong drink, very plainly points to the real movers for a license law :—

WHEREAS, The rapid strides made during the last few years by hypocritical fanaticism in class legislation; in the centralization of power in the hands of those of their own opinion only; in establishing a band of hired spies and informers under a system of licensed espionage; in curtailing trade and paralyzing a great and important traffic; and in overriding great principles of law; in violating the sanctity of homes under special search warrants, and in seizing and

destroying the property of the citizen by summary process; has been accomplished only by the united and persistent effort of parties banded together for such purposes.

Believing that the effect of such action can be overcome only by a corresponding unity of purpose and action of all parties interested, or in favor of liberal legislation, and that the present is a time requiring all good citizens to ignore party, and to act with a single eye to restoring liberal and healthy legislation, an association has been formed for that purpose, the immediate object of which is to procure the repeal of the present prohibitory law, and the enactment of a License Law in this State.

Concluding you to be in favor of the objects named, you are invited to join in the proposed movement, accepting which invitation, please communicate name and address to

JOHN H. SMITH, *Secretary*, 20 Exchange St., or to

WALTER D. RICHARDS, *President*, 87 State St.

THOS. B. WILLIAMS, *Vice-President*, 185 State St.

S. Q. COCHRAN, *Treasurer*, 30 Congress St.

P. S.—This Notice is intended as confidential, to you individually, or to known friends of the cause.

The Massachusetts Temperance Alliance met the counsel for the Petitioners at the State House in the persons of Wm. B. Spooner, Esq., the President, and Rev. A. A. Miner, D. D., a member of its Executive Board. They represented, also, thousands of remonstrants, from every part of the Commonwealth. No effort was made to secure remonstrances until February 4th, and yet, on the first day of April, 258 remonstrances, from 182 cities and towns, had been presented to the Legislature. Two hundred of these remonstrances represented more than sixty thousand citizens, while the remaining fifty or sixty represented Christian Conventions, Churches, Lodges of Good Templars, Divisions of the Sons of Temperance, and other organizations, whose membership was not stated, but numbering, no doubt, twenty thousand persons. And since the first of April, they have

continued to pour into the General Court at about the same rate.

The Petitioners examined 110 witnesses, and devoted an evening session, in addition, to hearing the officers and trustees of the Massachusetts College of Pharmacy; which hearing may very properly be classed with those of the petitioners for a license. At this hearing ten witnesses were examined; which, added to the foregoing, make the total 120.

The Remonstrants examined only 75 witnesses. So much time was consumed by the Petitioners' counsel in cross-questioning, that as many days were spent in the examination of these 75, as the other side consumed with 110. Many important witnesses for the Remonstrants were thus excluded.

In opening the case for the Remonstrants, Mr. Spooner introduced Hon. ASAHEL HUNTINGTON, of Salem, who volunteered his services for the occasion, because of his deep interest in the cause of temperance. Mr. Spooner followed him in further setting forth the claims of Prohibition against License.

The following are the names of the witnesses called by the counsel for the Remonstrants:—

EBENEZER ALDEN, M. D., of Randolph,
(Member of the Board of Trustees of Amherst College.)
NATHAN ALLEN, M. D., of Lowell,
(Chairman of the State Board of Charities.)
Hon. OLIVER AMES, of North Easton,
(President of the Union Pacific Railroad Company and the Boston,
Newport and New York Steam-boat Company.)
Hon. JOHN I. BAKER, of Beverly,
(State Liquor Commissioner.)
JOSIAH BARTLETT, M. D., of Concord.
ALBERT J. BELLOWS, M. D., of Boston,
(Professor of Chemistry, Anatomy, Physiology and Hygiene.)

- Hon. NEHEMIAH BOYNTON, of Chelsea,
(Ex-Member of the Governor's Council.)
- Hon. DAVID BURSLEY, of Barnstable,
(High Sheriff of Barnstable County.)
- Hon. O. R. CLARK, of Winchester.
- HENRY G. CAREY, Esq., of Malden,
(Professor of Music.)
- Rev. GEORGE J. CARLETON, of Charlestown,
(Chaplain of the State Prison.)
- Rev. CHARLES CLEVELAND, of Boston,
(City Missionary.)
- Hon. OTIS CLAPP, of Boston,
(U. S. Assessor of the Fourth District.)
- Rev. N. E. COBLEIGH, D. D., of Boston,
(Editor of Zion's Herald.)
- Rev. J. G. COCHRAN, of Buffalo,
(Missionary of the American Board of Commissioners for Foreign
Missions to Persia.)
- Hon. NATHAN CROSBY, of Lowell,
(Judge of the Police Court of the city.)
- Hon. WILLIAM E. CURRIER, of Newburyport,
(Judge of the Police Court of the city.)
- ANDREW CUSHING, Esq., of Boston,
(City Missionary.)
- Hon. WOODBURY DAVIS, of Portland, Me.
(Ex-Judge of the Supreme Court of Maine.)
- ALBERT DAY, M. D., of Boston,
(Superintendent of the Washingtonian Home.)
- T. R. DENNISON, Esq., of New Bedford,
(City Missionary.)
- Hon. CHARLES A. DEWEY, of Milford,
(Judge of the Police Court of the town.)
- FRANCIS D. ELLIS, Esq., of Boston.
- Hon. BENJAMIN EVANS, of Amesbury,
(Member of the Governor's Council.)
- Deacon EZRA FARNSWORTH, of Boston.
- Hon. GEORGE O. FAIRBANKS, of Fall River,
(Mayor of the city.)
- Hon. RUFUS S. FROST, of Chelsea,
(Mayor of the city.)
- Hon. WILLIAM H. FOX, of Taunton,
(Judge of the Police Court of the city.)
- Rev. JUSTIN D. FULTON, of Boston,
(Pastor of the Tremont Street Baptist Church.)

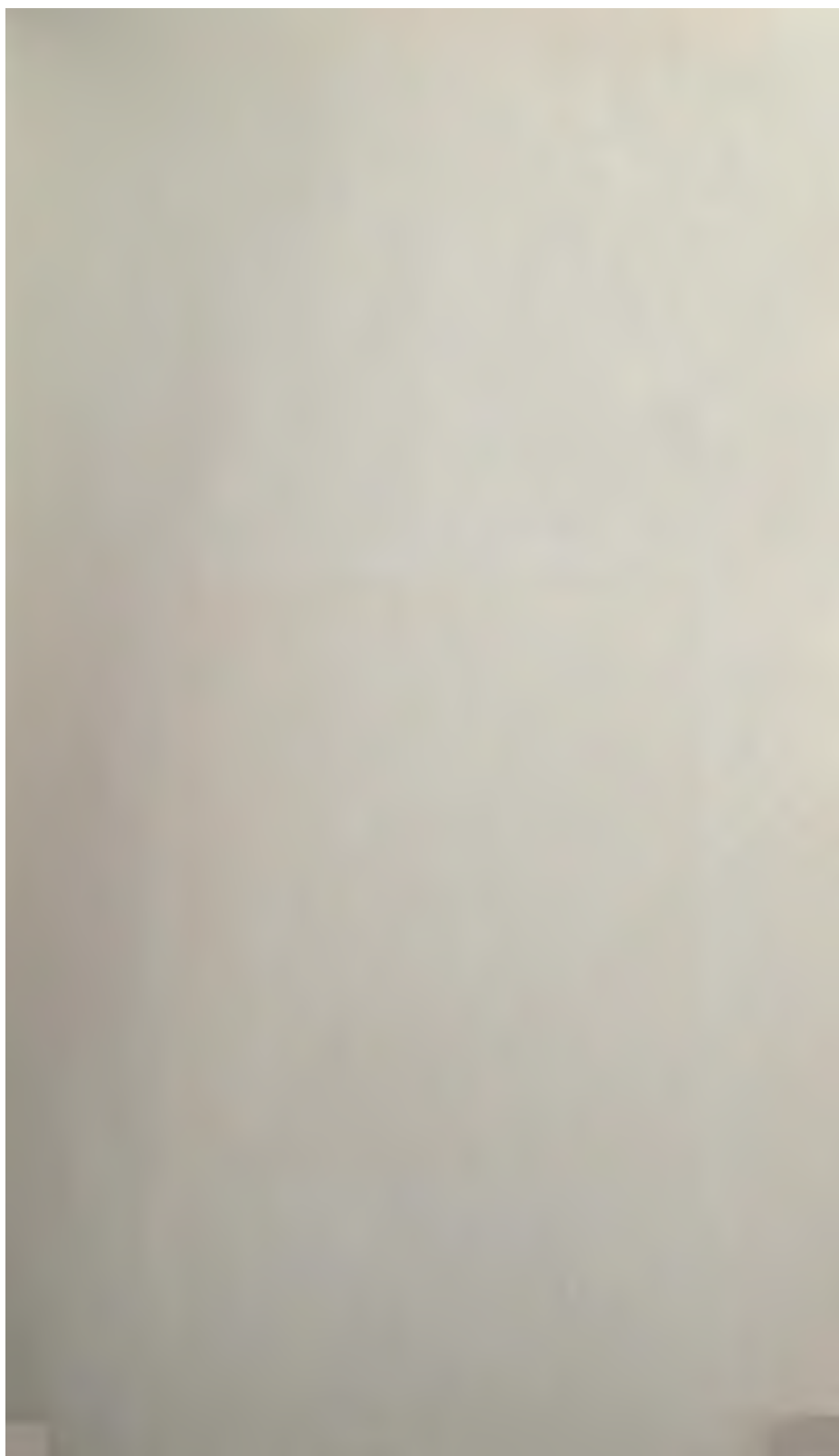
- Rev. NAHUM GALE, D. D., of Lee,
(Member of Board of Trustees of Williams College.)
- Rev. E. S. GANNETT, D. D., of Boston,
(Pastor of the Arlington Street Unitarian Church.)
- Rev. STEDMAN W. HANKS, of Lowell,
(District Secretary of the American Seaman's Friend Society.)
- Rev. GILBERT HAVEN, of Malden,
(Editor of Zion's Herald.)
- AUGUSTUS A. HAYES, M. D., of Boston,
(State Assayer for Massachusetts.)
- SAMUEL W. HODGES, Esq., of Boston,
(Member of the City Government.)
- Rev. MARK HOPKINS, D. D., of Williamstown,
(President of Williams College.)
- EDWARD JARVIS, M. D., of Dorchester,
(President of the Department of Health of the American Social Science Association, and Corresponding Member of the British Social Science Association.)
- WILLIAM E. JACKSON, Esq., of Boston,
(Visitor of the Boston Provident Association.)
- Hon. JOHN L. LADD, of Cambridge,
(Judge of the Police Court of the city.)
- G. F. LEWIS, Esq., of Cleveland, Ohio.
- Rev. JACOB M. MANNING, of Boston,
(Junior Pastor of the Old South Church.)
- Rev. E. P. MARVIN, D. D., of Medford,
(Editor of the Boston Recorder.)
- Hon. GEORGE MARSTON, of Barnstable,
(District-Attorney of the Southern District.)
- E. L. MITCHELL, Esq., of Boston.
- Hon. EDWARD MELLEN, of Wayland,
(Ex-Chief Justice of the Court of Common Pleas.)
- Rev. JOHN W. OLMSTEAD, D. D., of Roxbury
(Editor of the Watchman and Reflector.)
- Rev. EDWARD OTHEMAN, of Chelsea,
(Treasurer of the Massachusetts Temperance Alliance.)
- Deacon JULIUS PALMER, of Boston.
- Hon. ANDREW J. PEABODY, of Lowell,
(Ex-Mayor of the city.)
- Deacon DAVID PERHAM, of Chelmsford.
- Hon. ROBERT C. PITMAN, of New Bedford,
(Ex-Judge of the Police Court of the city.)
- Rev. A. H. PLUMB, of Chelsea.

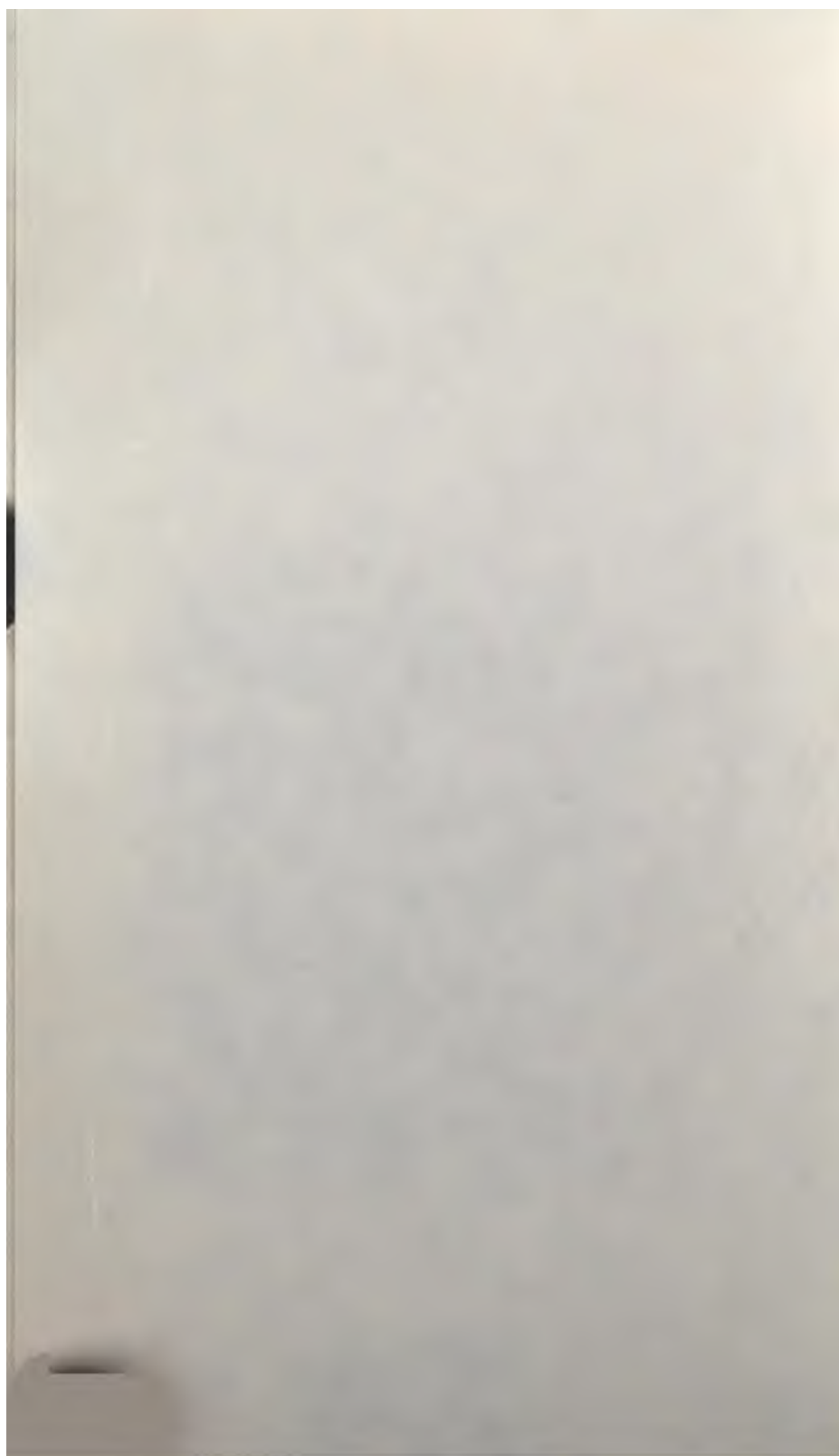
- Rev. ANDREW POLLARD, D. D., of Taunton.
- Hon. Z. L. RAYMOND, of Cambridge,
(Ex-Mayor of the city.)
- Mr. CALVIN A. RICHARDS, of Boston,
(Liquor-dealer and Petitioner for a License Law.)
- HENRY L. SABIN, M. D., of Williamstown,
(Member of Board of Trustees of Williams College.)
- Rev. SAMUEL T. SEELYE, D. D., of Easthampton,
(Member of Board of Trustees of Amherst College.)
- Rev. WILLARD SPAULDING, of Salem.
- HORATIO R. STORER, M. D., of Boston,
(Professor in the Berkshire Medical College, and ex-Professor of the
Harvard Medical School.)
- Deacon CHARLES STODDARD, of Boston,
(Member of Board of Trustees of Williams College.)
- Hon. VALOROUS TAFT, of Upton,
(Chairman of County Commissioners for Worcester County.)
- Rev. ELI THURSTON, D. D., of Fall River.
- Hon. ELIPHALET TRASK, of Springfield,
(Ex-Mayor of the city, and ex-Lieutenant-Governor of the State.)
- Rev. WILLIAM S. TYLER, D. D., of Amherst,
(Professor of Greek Language in Amherst College.)
- Rev. GEORGE TRASK, of Fitchburg.
- JAMES H. UPHAM, Esq., of Dorchester,
(Chairman of Board of Selectmen.)
- Hon. ROLAND USHER, of Lynn,
(Mayor of the city.)
- Hon. AMASA WALKER, of North Brookfield,
(Ex-Secretary of State, and ex-Member of Congress.)
- Hon. GEORGE A. WALTON, of Lawrence,
(Member of the City Government.)
- Rev. J. M. WILLETT, of Taunton.
- Rev. GEORGE P. WILSON, of Lawrence,
(City Missionary.)
- Hon. HARTLEY WILLIAMS, of Worcester,
(District-Attorney of Worcester County.)
- Rev. WILLIAM F. WARREN, D. D., of Wilbraham,
(Professor in the Methodist Biblical Institute.)
- Hon. JOSEPH WHITE, of Williamstown,
(Secretary of the State Board of Education.)
- Rev. HORATIO WOOD, of Lowell,
(City Missionary.)

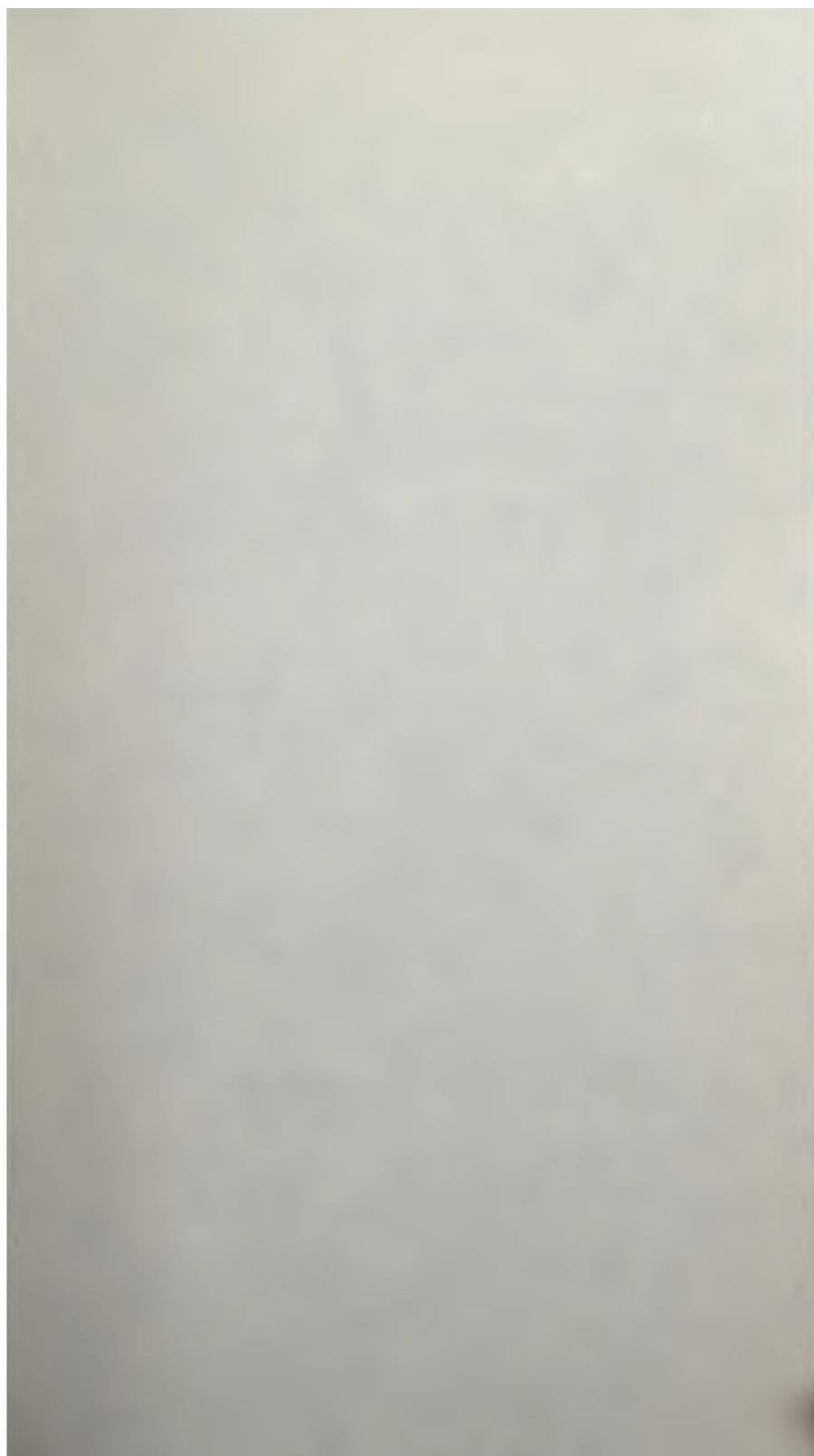
In examining the foregoing list of names, the reader will observe that nearly all the men are found among the active friends of temperance ; while not one of our tried and true co-laborers are found among the witnesses for the Petitioners.

Rev. A. A. Miner, D. D., made the following Argument, which was delivered extempore, or from a brief, in the Representatives' Hall, Tuesday, April 2, 1867. The galleries on the occasion were crowded long before the time assigned for the hearing, and many were unable to gain admittance. The body of the House was reserved for the members. The Argument has been revised from the phonographic report published in the " Boston Journal " the next morning.

Dr. Miner commenced his Argument a few minutes before ten o'clock, and concluded it at twenty minutes past one, having spoken three and a half hours.









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Right and Duty of Prohibition.

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IN THE

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PHONOGRAPHIC REPORT.

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1867.

discussion is to proceed upon evidence that, during six weeks, has not been brought before this Committee. I think such evidence should not be introduced; I think it can have no legitimate tendency to enlighten the Committee, but rather to mislead.

The CHAIRMAN, (Senator Morse.) The Committee are of opinion that they cannot put restrictions upon the argument. It will be open to comment by the other side.

Mr. CHILD. I only want to know whether we are to argue upon the facts in evidence, or upon matters outside.

Mr. JEWELL. I think Dr. Miner should be permitted to say whatever he thinks proper, whatever may be thought of its relevancy or irrelevancy.

Mr. CHILD. That being conceded we acquiesce.

Mr. MINER. I wish to say that Mr. C. A. Richards—a well-known gentleman of this city, and a man who I have no reason to suppose is other than a respectable citizen of Boston, in the usual acceptation of the term, who was not allowed to testify upon the point to which I now refer, and one other that follows, for reasons in regard to which I have no complaint to make, for they are patent and well-known to the community—Mr. Richards said, at that meeting, as reported in the "Boston Herald":—

"That when he left the room after the last meeting, with the duties of a committee man urged on him, no man carried with him a more earnest desire than himself, or than had since been evinced by his associates on the committee, to do what they could to extend any aid to their brethern in the trade in the emergency now upon them. He said they had canvassed the subject from beginning to end, and found themselves where they began. The call for this meeting, Mr. Richards said, alluded to some 'important matters for immediate consideration,' to be placed before the assembly. The chief 'consideration' was, that the advice of the meeting might be obtained on some plan of action outside of their business. As individuals, the speaker said, they could do nothing to change the law which was offensive, unless they could bring a pressure upon the Legislature. How that could be done, the committee desired to know. The committee had discussed the plan of holding a public meeting in Faneuil Hall, and had concluded that such a course would not be of any effect, as it was not to liquor-dealers and hotel-keepers that the public looked for a change.

"The speaker said that he had consulted with some of our merchants and editors, who said the idea of repressing the sumptuary laws was good, *but it would not do to let the effort emanate from liquor-dealers as liquor-dealers*. It will be done; avoid impulsive efforts; be quiet; press forward in your work in a quiet way; consult and talk with your neighbors, but do not press on with your speeches. Such, the speaker said, was the advice given the committee. The question was, should such language be their guide?"

There were other speakers on the occasion, who uttered various sentiments, suiting them-

selves. Some thought it especially expedient to close the hotels, which they judged would bring the public to terms at once. Mr. R. H. Waters said "that a petition was circulating among the dry goods and other merchants, looking to a meeting in Faneuil Hall, with this object in view; but he said *it must not appear that the meeting was held by the liquor-dealers, for the moment the liquor element was introduced, the influence was lost.*" "Mr. John Glancy obtained the floor, and said, among other things, that the liquor interest in Boston represented from ninety to one hundred millions of dollars, which he considered a power capable of doing almost anything, if rightly directed." I make no comment upon this report of the "Boston Herald" of a liquor-sellers' meeting. Whether or not that plan is here being literally carried out, I leave the gentlemen of the Committee to judge.

There was one other point of evidence which we sought to introduce, but were not permitted. It was the fact, which had come to our knowledge from entirely reliable sources, that certain gentlemen, whose names were given us, had subscribed large sums of money each to carry forward this license effort—these men being liquor-dealers. We have their names; we have the sums set

against those names. We summoned some of those men here. One of them came. Now, I would by no means intimate that their motives, whatever they might have been, or whatever they may now appear, are the motives of all the parties concerned here. On the contrary, I distinctly recognize that many petitioners for a license law do not probably concur with them in the views they entertain, or in the ends they seek.

But, gentlemen of the Committee, I submit this consideration: Is it likely that these gentlemen have forgotten the instincts of their business? Is it likely that they are asking for the same thing that other petitioners are asking for here, with the expectation put forth by other petitioners, that it will circumscribe, limit, restrict their business? I trust to the instincts of business men, and especially of that class of business men, for the answer to such questions. When we sought to introduce these facts, you remember with what eloquence and learning the able leading counsel in favor of a license law protested against their introduction, declaring, perhaps unwittingly, that it was an attempt to "smut" his case. I have but a single remark, gentlemen, to make upon that charge. There are two classes of causes in this world that

cannot be smutted. The one class of causes includes those that are inherently and thoroughly good; the other class includes those that are inherently and thoroughly bad. (Applause.) To which of the classes this cause belongs, I leave the Committee to judge.

The issue before you, gentlemen, is a plain one. It is the prohibition of the sale of liquors as a beverage, or the authorization of their sale by law. Between these two things we are to choose. You, gentlemen, are to choose. You are not permitted, I submit, respectfully, under the circumstances of the case, to assume that a license law can restrain the traffic more than prohibition. That proposition is absurd on the face of it. Therefore it is a question touching the removal of the social evils of the community. And I think you will observe, gentlemen, that the issue involves still another fundamental proposition, namely, the utility of alcoholic beverages; for ere they were aware of it, the learned counsel, borne over by the instincts of their cause, from their assumed to their true position, found themselves attempting to prove that total abstinence is not a good, and that alcoholic beverages, moderately indulged in, are a good. Unconsciously they flowed over

into that channel, and by an instinct as true as that of the liquor-dealers themselves, they summoned here gentlemen who, as they know, love the wine cup. High dignitaries, now or formerly, men of eminent gravity, clergymen in metropolitan pulpits, the Romish priests, whose habits are well known, and other parties, were summoned here to express their opinion that prohibition is a failure. Hence the issue here is really fundamental. You are asked to pronounce, by a change of the law, that teetotalism is a vice—at least, an error. You are asked to pronounce, by the enactment of a license law, that indulgence, if it be moderate, in alcoholic beverages, is a good.

Now, gentlemen, this is scarcely a problematical question. Survey the field. You have observation and experience on both hands. You have on the one hand a pretty uniform state of facts, showing that abstinence tends to every personal and social good. On the other hand, you have a pretty uniform state of facts, showing that indulgence tends, by a law of its own—a law ordained, gentlemen, by high Heaven—a law that no Legislature in Massachusetts or elsewhere can annul—by a nearly universal law—to immoderation and inebriety. You are asked, therefore, to plant the Commonwealth of

Massachusetts on those principles out of which the social evils always resulting from the sale of intoxicating beverages, as such, have flowed. Now look at the man who is the subject of such indulgence. Conceive what a man is, as he stands erect in the image of his God, with the powers that ally him to high Heaven; with a breadth of understanding, an acuteness of reasoning, and a depth of grateful and reverent emotions that make him acquainted with the attributes of Deity and with the joy of angels. See that man tippling, day after day; see him beclouding his intellect, blunting his sensibilities, casting down his powers of self-control, hardening his heart, becoming indifferent to public sentiment, and family interests and welfare, and by and by staggering and reeling and falling in the by-ways or in the highways of life. Look into that man's home! Mark the anxiety written on the face of his bosom companion, whom, in the fresh love of his earlier years, at the altar of God, with uplifted hand toward Heaven, he swore reverently, I would believe, to cherish and protect, so long as they both should live! See him now, a demon, dealing the blow of brutality upon that companion, beggaring his family, ruining his home, blasting the prospects of his children, prostrating and destroying every

earthly interest, physical, intellectual and moral! It is to plant the Commonwealth of Massachusetts on principles which, embodied in laws, have uniformly tended to these results, that you are now asked to grant a license law.

The decrease of productive power is a fact everywhere referred to by writers upon the influence of intoxicating drinks. Says Dr. Carpenter, in his work on "The Use and Abuse of Alcoholic Liquors":—

"The following statement of the result of a whole year's experiment at brick-making, made by two sets of men, the one working on the 'abstinent,' the other on the 'moderate' system, is given by a gentleman of Uxbridge, England: 'Out of upwards of 23,000,000 of bricks made in 1841 by the largest maker in the neighborhood, the average per man made by the beer-drinkers in the season was 760,269; whilst the average for the teetotalers was 795,400, which is 35,131 in favor of the latter. The highest number made by a beer-drinker was 880,000; the highest number made by a teetotaler was 890,000; leaving 10,000 in favor of the teetotaler. The lowest number made by a beer-drinker was 659,500; the lowest number by a teetotaler was 746,000; leaving 87,000 in favor of the teetotaler. Satisfactory as this account appears, I believe it would have been much more so, if the teetotalers could have obtained the whole gang of abstainers, as they were very frequently hindered by the drinking of some of the gang; and when the order is thus broken, the work cannot go on.'"

Mr. Delavan, in a work in which he has collected numerous temperance facts, states that the late Richard Cobden, member of Parliament, speaking on one occasion of the excessive labors of certain members of the House of Commons, mentioned that out of 658 members, two gentlemen—Colonel Thompson and Mr. Brotherton—endured the long sittings and heavy speeches of that distinguished body with greater ease than any other members, and they were both total abstainers. Mr. Cobden narrates that these two gentlemen, with himself, made a tour of agitation through Scotland, lasting several weeks, finally rendezvousing at a place agreed upon. On comparing notes they found they had adopted the same course of procedure, namely, abstinence from all intoxicating beverages, and had sustained the heavy fatigues of their daily labor with great success. On meeting at this place of rendezvous, certain bailies of Scotland—corresponding to the aldermen of England—who were drinking their whiskey toddy with great glee, and urging them to join, they refused, placing their refusal on the ground that they had so much work on hand, they were absolutely compelled to depend upon the pump. "Hey, mon," said one of the bailies, "but you water-drinkers

will upset the world." Says Cobden, "I do think that water-drinkers will upset the moral world, and will turn it round with a much better face to us when they have done with it."

I cannot neglect to refer, also, to testimony of quite another kind. It is that of Colonel Dawes of the Bengal Artillery, who writes thus:—

"My experience is, that nearly all the crime affecting our European troops in India has originated in the use of spiritous liquors. I consider abstinence from spirits a turning-point in the life of many a soldier. The man becomes quite an altered character when he drops the pernicious stimulant; more cleanly in person, respectful to his superiors, and respectable in character, and, from the increased dependence that may generally be placed upon him, he becomes altogether a more valuable man, both in the field and in quarters. I have seen many a bad character converted by abstinence from spirits into a steady, able-bodied, hard-working, courageous soldier. On the other hand, I have remarked that the best men have at times become next to useless from indulgence in liquor. My conviction is, that the less liquor the European gets the better."

Again, he says:—

"The soldier can do without liquor, as has been proved on many occasions. At Jellalhabad this fact was well illustrated. The 13th Light Infantry, belcaguered there, was not supplied with spirits during the siege, which lasted *five months*. The men were nevertheless *remarkably healthy*

during the whole period, notwithstanding incessant hard work, which was carried on with great alacrity and cheerfulness, the men being always well behaved and good tempered. After the garrison was relieved, liquor was again issued, and the difference in the conduct and appearance of the men was very marked."

More than one of our own generals, in the great struggle through which our country has just passed, has practically shown the same judgment, and prohibited alcoholic beverages to his men.

I might multiply these quotations indefinitely, to show that the use of liquors lessens the productive power of man. But why need I? Every manufacturer, every New England farmer, every day laborer, knows the truth of the statement.

Akin to this is the general fact that the use of liquors as beverages is destructive to material wealth. It has always surprised me, gentlemen, that this point has received so little attention at the hands of political economists. Have you ever reflected upon the effect of taking all the cereals of Middlesex County, converting them into whiskey, and permitting that whiskey to be drank by the people of the Commonwealth? If such beverages are not useful, but harmful, then you have the destruction, not only of the value of

the grains themselves, but of all the cost of their conversion into liquor, transportation, labor, rent, and everything pertaining thereto. It would seem very wasteful to us to take these liquors as soon as made and pour them into the street. Is it not far more wasteful to strain them, as a distinguished lecturer has said, through the human stomach, and spoil the strainer?

Gentlemen, the conversion of these grains into whiskey does more than destroy them; it raises the price of all the grains that remain; the appropriation of so much real estate to this purpose increases the rent of all other real estate, increasing thereby the tax upon all other business; the destruction of labor by this conversion increases the price of other labor, thereby taxing all other enterprises on the one hand, while benefiting, so far, that particular laborer, on the other hand, if he does not use the whiskey.

But when you have noticed these results, you have scarcely touched the question of cost. Why, gentlemen, the cost of the liquor consumed as a beverage in our Commonwealth, though an enormous sum, is but a fraction of the entire expense to the State. What the beverages cost, it is difficult to say. It can only be vaguely estimated. The

Hon. Benjamin Evans, of the Governor's Council, noticing the fact stated by the honorable gentleman on the other side, Mr. Child, that in 1864 there were 5,574 places for the sale of liquor licensed in this Commonwealth under the revenue laws of the United States, and that probably as many more places sold without license, making a total of 11,148, estimates each place to sell twenty glasses a day, at ten cents a glass, and he has the enormous sum of \$8,138,040. That is open to any modification that individuals may think proper to make. Twenty glasses a day, on an average, certainly does not seem a large estimate.

Turn to another feature of these expenses—the repair of the ravages resulting from the use of intoxicating liquors. Take the cost of the prisons, the houses of correction, and jails, of the almshouses, State and Municipal, and of the attendance upon and support of their inmates, with the interest involved in the construction of those buildings, and you have another large sum. I will not repeat all the particulars. Mr. Evans gives the following summary of his estimates, taken, with the exception of a single item, from the Report of the Board of State Charities, a public document of the Commonwealth:—

For support of inmates of twenty institutions, of town paupers, and of prisoners, annually,	\$1,500,000
Ten per cent. upon cost of construction of twenty institutions,	236,072
Ten per cent. upon valuation of town alms- houses,	172,598
Ten per cent. on costs of prisons and houses of correction,	150,000
Five per cent. on costs of court houses (allow- ing half the use to be for other purposes than those connected with the administra- tion of criminal law,)	45,000
Private organized charities,	1,000,000
Private unorganized charities (estimated,)	1,000,000
Criminal costs above receipts or fines,	133,000
Total,	<hr/> \$4,236,670

Put down any fraction of that sum you please, gentlemen, according to the ordinary judgment of men, to the debit of the sale of intoxicating liquors as beverages, and you have a startling representation of the cost of maintaining the liquor traffic in the Commonwealth of Massachusetts. You will bring to mind the statement of Ex-Governor Clifford, in his testimony before the Committee in the early part of the hearing, that in submitting his annual report as Attorney-General for the State, (at an early period of our experience under the prohibitory law,) he had occasion to allude to the fact

that \$108,000 had been expended in the State in the attempt to execute that law; an expense far too great, he thought, for the good obtained thereby. Lay that \$108,000 over against the sum of \$8,138,040 for the cost of liquors on the one hand, and \$4,236,670, two-thirds, three-quarters, or nine-tenths of which should be appropriated to repair the damages caused by the liquor traffic, on the other hand, and is it worthy of a moment's consideration?

Great Britain has had an experience, in this respect, from which it would be well worth our while to learn a lesson. Mr. J. S. Buckingham, member of Parliament, in a work published some years ago, states that the annual contributions to the twelve leading charities of Great Britain amount to only one million pounds sterling, or five millions of dollars; that the government taxes and poor-rates amount to £56,000,000 sterling; while the drinking and smoking taxes amount to £77,500,000 sterling, as against one million pounds sterling, the aggregate of the contributions to the twelve great charities of Great Britain. Of those seventy-seven and a half millions for drinking and smoking taxes, all but about seven and a half millions is for the various kinds of intoxicating beverages.

Then again, gentlemen, the use of liquors is a fruitful source of crime. The chaplain of our State Prison testifies, as the result of his actual inquiries, that nineteen-twentieths of the crime committed by those under his care arises from indulgence in intoxicating liquors. Warden Haynes, of the same prison, is reported upon good authority to have said that out of twenty-two murders, the criminals in which he had charge of, twenty were caused by the use of intoxicating liquors. Hon. Eliphalet Trask, Ex-Lieutenant-Governor of the Commonwealth, while acting as chairman of the Committee on Pardons, had more than six hundred applications for pardons before him, all but two or three of which crimes were attributable to the use of intoxicating liquors; and the pardons often were asked for on the ground that the persons committing the crime were under the influence of liquor at the time.

These are terrible facts, gentlemen, and others like them abound. The Rev. Samuel J. May, in a most important statement, made at a meeting held in Auburn, New York, last May, said that 400 suicides in our country, and 500 murders annually result from drinking; and that the use of intoxicating liquors as a beverage had

sent 98,000 victims per year to our almshouses, 100,000 to our jails and prisons, and 60,000 to drunkards' graves. Mr. Delavan, in his work upon the "consideration of the temperance argument and history," makes the following quotations from the declarations of judges of courts in Great Britain:—

"Judge COLERIDGE. There is scarcely a crime comes before me that is not directly or indirectly caused by strong drink."

"Judge GUERNEY. Every crime has its origin more or less in drunkenness."

"Judge PATTESON. If it were not for this drinking, you (the jury) and I would have nothing to do."

"Judge ALDERSON. Drunkenness is the most fertile source of crime; and if it could be removed, the assizes of the country would be rendered mere nullities."

"Judge WIGHTMAN. I find in every calendar that comes before me, one unfailing source, directly or indirectly, of most of the crimes that are committed,—intemperance."

And yet Great Britain pays seventy millions pounds sterling annually for that which is the food for this crime.

Hon. John C. Park, in his testimony before this Committee, speaking upon this point, said that nine-nine one-hundredths of all the crime committed spring from the use of intoxicating liquors.

Turn now, gentlemen, to the deterioration of

the race caused, directly or indirectly, by the use of intoxicating liquors. I quote from Carpenter's work on the "Use and Abuse of Alcoholic Liquors":

"Plutarch says 'one drunkard begets another;' and Aristotle remarks that 'drunken women bring forth children like unto themselves.' Dr. W. A. F. Browne, the resident physician of the Orichton Lunatic Asylum at Dumfries, makes the following statements: 'The drunkard not only injures and enfeebles his own nervous system, but entails mental disease upon his family. His daughters are nervous and hysterical; his sons are weak, wayward, eccentric, and sink insane under the pressure of excitement of some unforeseen exigency, or the ordinary calls of duty. At present I have two patients who appear to inherit a tendency to an unhealthy action of the brain from mothers addicted to drinking; and another, an idiot, whose father was addicted to drinking.'"

Dr. S. G. Howe, in his Report to the Legislature of Massachusetts, says:—

"The habits of the parents of three hundred of the idiots were learned; and one hundred and forty-five, or nearly one-half, are reported as known to be habitual drunkards."

I have the testimony, gentlemen, which I will not read, of Dr. Alexander D. W. Martin, of this city, to the same effect, who also cites authorities to prove his position. I will, however, read the testimony of a witness who was before us, Dr. Horatio R. Storer, Professor of Obstetrics and Diseases of

Women, in Berkshire Medical College, given in a little volume prepared by Dr. Albert Day, Superintendent of the Washingtonian Home in this city, who also was before the Committee. Dr. Storer says:—

“Reference has been made by the doctor, (Dr. Day,) to the dire effects so often seen by medical men in the persons of the children of those addicted to habits of intoxication—epilepsy, idiocy and insanity, congenital or subsequently developing themselves, with or without any apparent exciting cause. He has not, however, I think, sufficiently held up to the victims of this baleful thirst the terrible curse they thus deliberately entail, or may entail, upon their descendants. It is not merely the man or woman inflamed by alcohol, in any of its crude or dainty preparations, at or near the time of sexual intercourse, that implants the fatal thorn in the child at the very moment of its conception. They are equally guilty, perhaps more so, who—their blood diseased from long saturation with this poison, their nervous system shattered, the very foundations of their being tainted—proceed, whether deliberately or inconsiderately, to engender offspring. ‘Woe unto the children of drunkenness,’ ” &c..

I have various other testimonies, gentlemen, of men who wrote in years long gone by, as well as of modern writers, to the same effect, which I have not time to read; but I should be doing injustice if I should fail to quote from one of our State documents—the Report of the Board of State Charities for the year 1866—a document prepared by

seven gentlemen, three of them physicians, who had this subject under examination. They were appointed to office, I believe, by the leading counsel for the petitioners, and their authority, therefore, he may feel bound to respect. The report was drawn, I think, by Dr. Nathan Allen, of Lowell, who was before you as a witness. These gentlemen speak of alcohol as a cause of the vitiation of human stock, as follows:—

“It is not proposed to consider here the various remote causes of this vitiation of stock; but one prolific cause may be mentioned, because it is sometimes affected by legislation.

“That prolific cause is the common habit of taking alcohol into the system, usually as the basis of spirits, wine or beer. The effects of alcohol upon the senses, and even upon the bodily functions, vary according to the medium in which it is conveyed; but the basis being the same in all, the *constitutional effects* are about the same.

“The use of alcohol modifies materially a man’s bodily condition; and so far as that affects him individually, it is his own affair; but if it affects also the number and condition of his offspring, that affects society.

“If its general use does materially influence the number and condition of the dependent and criminal classes, it is the duty of all who have thought and care about social improvement, to consider the matter carefully; and it is the special duty of those having official relations with those classes, to furnish facts and materials for public consideration.

“It is well known that alcohol acts unequally upon man’s

nature ; that it stimulates the lower propensities, and weakens the higher faculties. Everybody knows that a certain dose acts upon certain faculties, and makes a man jolly ; while a greater one acts upon others, and makes him quarrelsome and angry. But some physiologists go further into the matter, and explain that alcohol, taken into the stomach or absorbed through the skin, must mingle, undigested, with the blood ; and that alcoholized blood stimulates the brain in a peculiar manner. In a large dose, it stimulates those organs or those functions which manifest themselves in what we call propensities, or animal passions, and represses those which manifest themselves in the higher or human sentiments which result in *will*. If the blood, highly alcoholized, goes to the brain, its functions become subverted ; the man does not know, and does not care, what he says or does.

“ If this process is often repeated, the lower propensities are strengthened by exercise, until, by and by, they come to act automatically, while the restraining powers, or the will, weakened by disuse, are practically nullified. The man is no longer under control of his voluntary power, but has come under the dominion of automatic functions, which are almost as much beyond his control as the beating of his heart.

“ But the habitual stimulus of the brain by alcoholized blood, in ever so small doses, must produce the same *kind* of results, only in a lesser degree. Habit, it is true, counteracts its *sensible* effects, and the man contrives to keep a sort of mental balance, as a sailor learns to walk on a rocking deck ; but the blood is alcoholized, and must have the peculiar alcoholic effect on the brain, namely, exciting and intensifying the lower propensities, and lessening the voluntary and restraining powers.

“Again, every thoughtful man admits the existence of a strong tendency to hereditary descent of certain conditions and peculiarities of body, and also that many of these conditions are purely the result of habit.

“Any morbid condition of body, frequently repeated, becomes established by habit. Once established, it affects the man in various ways, and makes him more liable to certain diseases, as gout, scrofula, insanity, and the like. This liability, or tendency, he transmits to his children, just as surely as he transmits likeness in form or feature. Now, the use of alcohol certainly does induce a morbid condition of body. A given dose excites the animal nature to powerful and ungovernable activity, and utterly paralyzes reason, conscience, and the will. But a smaller dose does the same thing, only in a lesser degree. It is morally certain, that the frequent or the habitual overthrow of the conscience and will, or the *habitual weakening* of them, soon establishes a morbid condition, with morbid appetites and tendencies, and that these appetites and tendencies are surely transmitted to the offspring.

“Again, it is admitted that an intemperate mother nurses her babe with alcoholized milk; but it is not enough considered that a father gives to his offspring certain tendencies which lead surely to craving for stimulants. These cravings, once indulged, grow to a passion, the vehemence of which passes the comprehension of common men.”

I must now turn, gentlemen, to the influence of alcoholic beverages as a cause of disease and death. On this subject I have the testimony of Dr. Harris, in his report of 1867 to the Metropolitan Board of Health, New York, which I must detain you to

quote. He says: "The diseases of intemperance, and they are both numerous and fatal, have at last come to be studied with reference to their prevention. It still remains for the medical profession and for society to check the evil we now mention. We place alcoholism in our list of the causes of death, and shall preserve such records as may be furnished by medical attendants and friends of the killed by this enemy."

The distinguished statist, Dr. Edward Jarvis, in the few minutes allowed for his testimony, offered an analysis of the evidence concerning the positive influence of intemperance upon probabilities of life at any age, from the researches of Mr. Neison, actuary of the Medical, Invalid and General Life Insurance Company of London.

AGES OF PERSONS.	DEATHS IN 100,000.		COMPARATIVE RATE OF MORTALITY.	
	Intemperate.	Others.	Int'perate.	Others.
15 to 20,	1,342	730	18	10
20 to 30,	4,953	974	51	10
30 to 40,	4,620	1,110	42	10
40 to 50,	5,992	1,452	41	10
50 to 60,	6,418	2,254	29	10
60 to 90,	46,174	33,260	13	10
Comparative rate of Deaths in equal Numbers of Intemperate and Temperate persons of all ages, the same year,			32	10

In the following table, from Carpenter's work already cited, four general insurance companies, A, B, C and D, are compared with the Temperance Provident Institution:—

	Policies Is- sued.	Number of Deaths.	Equal to—
A,	944	14	15 per thousand.
B,	1,901	27	14 " "
C,	838	11	13 " "
D,	2,470	65	26 " "
Temperance Provident Instit'n, .	1,596	12	7½ " "

I beg you to observe, gentlemen, that these tables were compiled for business purposes; and money, you will remember, is not fanatical. The former shows the average mortality of the intemperate to be more than three times greater than that of the temperate. The latter shows the mortality of the insurers in a temperance company to be less than one-half the average of those in four general companies.

Dr. Jarvis stated that, in Lowell, according to the annual bills of mortality, the deaths from delirium tremens and intemperance were, in the period 1841 to 1851, under the license law, 56.9, and in the period 1852 to 1865, under the prohibi-

tory law, 26.2, in 10,000 deaths from all reported causes in each of the periods. Comparing the mortality from alcoholic causes with the population, Dr. Jarvis showed that these deaths were one in 8,359 of the living under the license law, and one in 19,381 of the living under the prohibitory law. By the first comparison, the fatal consequences and evidences of intemperance decreased 54 per cent., and by the second comparison, this decrease was 57 per cent. in passing from license to prohibition.*

You have had the testimony of the distinguished chemist, Dr. A. A. Hayes, who stated that the use of alcoholic beverages not only shortens life in general, but lays the foundation of many diseases, undermining the constitution, and causing diseases to be fatal which would not have been, had the

* These facts the Doctor gave in his testimony before the Committee. Beside these, we have since obtained from him other facts which he intended to give the Committee if opportunity had permitted.

He furnishes facts that show the destructive effect of intoxicating liquors on life and on mental health, in this and some other States and in foreign countries, especially in France, where it is erroneously supposed and often asserted that the free use of wine had banished intemperance. On the contrary, French writers on diseases of the brain give a proportion of the lunatics whose disorder is caused by the abuse of alcoholic liquors, much larger in France, the favored and boasted land of the vine, grape and wine, than is recorded in any northern country, where no such natural facilities are offered to seduce men to take the first steps in the paths of intemperance.

Dr. Jarvis gives, also, a statement of the effect of the prohibitory law, showing that there has been a decided decrease of mortality from intemperance since the commencement of the operations of prohibitory laws in this State, more marked where the traffic of liquors has been suppressed

system maintained its natural vigor. Dr. Edward H. Clarke, of the Harvard Medical Faculty, testifies, "If distilled liquors were banished from

in the smaller towns and rural districts, but seen also in Boston itself, as well as in Lowell, by comparison with the total deaths and with the living population.

1.—EFFECT OF ALCOHOL ON HUMAN MORTALITY.

Deaths from Intemperance among 10,000 reported from all causes.

England,	18.94
Scotland,*	11.45
Ireland,	7.40
Iceland,	7.00
Sweden,	18.02
Bavaria,	3.07
Belgium,	4.74
South Australia,	23.80
Massachusetts, 1841 to 1864,	50.86
Barnstable, Berkshire, Dukes, Franklin, Hampden, Hampshire, and Nantucket Counties, in Massachusetts, (1851 to 1864,)	32.99
Massachusetts, excluding Suffolk County, (1851 to 1864,)	39.28
Boston, 1851 to 1865, (excepting 1859 and 1860,)	47.81

Among 40,393 deaths from diseases of the brain, in the United States, in the year 1859-60, reported in the 8th census, 575 were from delirium tremens.† Of the 394,153 deaths reported in the same year, 1,506 were from delirium tremens and intemperance.‡

2.—EFFECT ON MENTAL HEALTH.

Cases of Insanity caused by Intemperance in 10,000 known causes.

Admitted into Worcester Hospital, (1833 to 1866,)	1,200
Taunton Hospital, (1854-66,)	2,379
Northampton Hospital, (1858-66,)	2,168
Boston Hospital, (1838-65,)	2,318
Four Pennsylvania Hospitals,§	1,064
Connecticut Hospital,	999
One Hospital in Ohio (Columbus, 1839-66,)	545

English, Scottish, Irish, Continental Insane Hospitals give similar statements.

* Scotland is not the most intemperate country in the world.

† 8th Census, Vol. Mortality, p. 221, Table XIII.

‡ Ibid., p. 4.

§ Not including the Philadelphia Pauper Hospital, which, at the last dates, contained 41 per cent. of all the lunatics in the hospitals of Pennsylvania, and of these 56 per cent. were foreigners. The causes of the disease in this hospital are not stated.

society, it would be the gainer thereby." The venerable Dr. Alden, of Randolph, testifies to the exceedingly injurious effects of alcoholic beverages upon human life, as observed through a long course of years in his own town and in surrounding towns. I have also the testimony, privately given me, of the elder Dr. Bigelow, that if intoxicating beverages had never been discovered, the well-being of the race would have been promoted.

3.—EFFECT OF PROHIBITORY LAWS.

Deaths from Intemperance in 10,000 from all known causes.

Massachusetts, 1841 to 1850,	56.10
1851 to 1864,*	49.40
Massachusetts, except Suffolk County, 1841-50,	53.09
1861-64,	36.57†
Barnstable, Berkshire, Dukes, Hampden, Hampshire, Franklin and Nantucket Counties, 1841-50,	41.80
1855-64,	32.99‡
Boston, 1821-30,	309.00
1831-40,	276.00
1841-50,	97.00
1851-65,	85.00§

Deaths annually in proportion to the total population living in each year, to one death from Intemperance.

Boston, 1821-30,	1,787
1831-40,	1,881
1841-50,	3,979
1851-65,	4,781

The populations were taken from the censuses of 1840, 1845, 1850, 1855, 1860 and 1865, and those of the intermediate years were interpolated by logarithmic calculations.

In the last periods, 1850 and subsequently, the foreign population has very greatly increased. The number of deaths from intemperance among natives and foreigners is given in the Boston reports for six years, 1854 to 1859. They were, 62 natives and 162 foreigners, and in proportion as 1,000 to 2,600. Applying these proportions to the respective populations,

* Decrease, 11.94 per cent. † Decrease, 81 per cent. ‡ Decrease, 21 per cent.
§ Decrease, 12.3 per cent. || Decrease, 16 per cent.

On the other hand, his son, Dr. Henry J. Bigelow, declares, that "the drinking usages of society are not to be deplored." I make no criticism on this testimony. My private opinion of it would be of little worth. I leave it to be judged by the common sense of the intelligent citizens of Massachusetts.

These, gentlemen, are a few among the many evidences of the evils resulting from the use of

native and foreign, in the State, Boston and Lowell, the proportion of deaths from intemperance among the natives is very greatly reduced in the latter period.

Taking these data and calculating the native and foreign population from the censuses, the deaths during these years, 1854 to 1859, from intemperance in Boston, were one in 10,210 of the natives, and one in 2,307 of the foreigners.

Admissions to Worcester Hospital, Intemperance causes, in 10,000 of all known causes.

1833-47,	1,832
1848-55,	1,465
1856-66,	1,110

4.—COMPARATIVE EFFECT OF GREATEST LIBERTY AND PROHIBITION.

Kentucky,* alcoholic deaths in 10,000 of all, 8 years, (1852-59,)	389
Vermont,* " " " " (1857-64,)	140

5.—EFFECT OF WINE CULTURE ON INTEMPERANCE.

Morel, the French learned and philosophical writer on Insanity, &c., in his great work on the degeneracies of the human race, says,—“There is always a hopeless number of paralytic and other insane persons in our [French] hospitals, whose disease is due to no other cause than the abuse of alcoholic liquors. In a thousand patients, upon whom I have made especial observations, not less than two hundred owed their mental disorder to no other cause.”†

Morel was a man of great learning and experience. In his early professional life, he was in the Salpetriere Hospital in Paris, which, my last government report says, had thirteen hundred and twenty-four lunatics. He

* Annual Reports of Mortality.

† Des Dégénérescences De L'Espèce Humaine, p. 109.

intoxicating liquors as beverages. Nor do these evils arise merely from excess. The evidence is manifold that use surely tends to excess by an inevitable law; and many of these witnesses testify that the habitual use, even in moderation, is the cause of many of the evils to which they have referred.

Alcohol is classed as a poison; and the fact of its medicinal value in no wise militates against the classification. Arsenic is a poison, and yet it is used medicinally, and to beautify the human complexion.

I have alluded, gentlemen of the Committee, to the conflicting testimony, at least so far as a single witness is concerned, in regard to the influences of

was afterward superintendent of the Mareville Lunatic Hospital, which had 961 patients; and when he wrote his book, was superintendent of the St. Yon Hospital, which had 661 patients. If he had been but one year in each of these hospitals, he would have seen near three thousand lunatics. In the year reported, the average number of admissions into the French Lunatic Hospitals was somewhat more than a third of the constant population. As Morel was engaged in this study from 1839, until he finished his book in December, 1856, it is believed that he had observed many thousand insane patients, beside very many others, who, in other ways, were impaired in bodily and mental health by intemperance, and his positive and unqualified assertion,—that of a thousand lunatics that he had specially examined, —two hundred were made so by intemperance, was generic, and means in English, 20 per cent. of all he had examined were made insane by alcoholic drinking.

M. Béhics' report on Insanity in France, speaking of physical causes, says, "that of 8,797 male lunatics and of 7,069 female lunatics, 34 per cent. of the men and 6 per cent. of the women, were made insane by

intoxicating beverages. Professor O. W. Holmes makes an important remark bearing upon this subject. He says, "The truth is, that medicine, professedly founded on observation, is as sensitive to outside influences, political, religious, philosophical, imaginative, as is the barometer to the changes of atmospheric density." What the influences were that brought forth some of the testimony we have heard here, I will not undertake to say.

Dr. Worthington Hooker, of New Haven, in his prize essay published in 1857, says, he believes, "that the peculiar form of typhus fever which prevailed some years ago in New England, and which being treated with stimulants, was very fatal, was often, in fact, a brandy and opium disease."

intemperance." "The conclusion which the analysis of presumed causes of insanity supplies is, that the most potent and frequent influence is intemperance."*

The National Government reports of France give similar accounts of the frequency of insanity caused by intemperance.

Motet says, "insanity finds a very large number of victims among those who are addicted to alcoholic drinks."

"In *vine-growing* ("vignobles") countries, delirium tremens and alcoholism are most frequent," ("plus frequens.")

"More than one-fourth of the insane, whose malady is due to physical causes, suffer the penalty of alcoholic excesses. Among 8,797 cases of the insane from physical causes, 3,044 were drunkards," ("ivrognes.")†

The six French authors on Insanity in my library, refer to intemperance as a prominent cause of lunacy.

* London Med. Times and Gazette, Jan. 1867, p. 87.

† Annales D'Hygiène, second series, T. xxvii, p. 203, Jan. 1867.

Dr. Holmes, in his address of May 30, 1860, makes this admission to the Massachusetts Medical Society: "Throw out opium, throw out a few specifics which our art did not discover; throw out wine, and the vapors which produce the miracle of anæsthesia, and I firmly believe that if the whole *materia medica*, as now used, could be sunk to the bottom of the sea, it would be all the better for mankind and all the worse for the fishes." I do not undertake to say that this is a sound practical conclusion; but I do say that the question of the utility of alcoholic preparations as medicines, at least to the extent to which *they are habitually prescribed*, is one open to grave doubt. It is very doubtful whether the good, which alcoholic medicines do, is at all commensurate with the evils they occasion, and the costs with which they burden us.

Dr. Trall and various other medical writers denounce their frequent use as medicinal agents. Dr. Tyler, of the McLean Insane Asylum, says the excessive drinking of wines and ardent spirits has brought insanity upon many persons who have come under his care during the last year.

Passing over the testimony of Dr. Munroe, upon this point, I will call your attention to the evidence touching alcohol as food. While, in general, it may

be remarked that the statements of the learned men who have testified here may be accepted as true, one thing must be admitted: some of them were voluble in setting forth the excellences of alcoholic preparations, medicinally considered, but were extremely reticent, remembering that a thousand conditions were involved, concerning the injurious effects of alcoholic beverages. On the point of alcohol being respiratory food they are in conflict. Dr. Liebig, who was regarded as the most famous agricultural and physiological chemist of the world, wrote twenty-five years ago, alleging alcohol to be respiratory food. The "New American Cyclopaedia," referring to his experiments, says that some of his conclusions were not adopted by scientific men. In 1859 the distinguished chemist Duroy, of France, assisting Professors Lallemand and Perrin, demonstrated in his experiments that alcohol, taken into the human economy, is eliminated unchanged through the lungs, the skin, and the kidneys. They believe this to establish the general truth that alcohol undergoes no transformation in the human economy. Dr. Edward H. Clarke testified that it has not been demonstrated that alcohol is assimilative, but maintained that it does the office of food by arresting the disintegration of tissues.

We must not, however, overlook the fact that health demands a steady, onward flow of the disintegrating process in the tissues. Alcohol but arrests this process, while food re-supplies the tissues by being itself transformed into tissue, and thus allows the healthy action to go on. Food, therefore, imparts strength, while alcohol does not. Some medical gentlemen testified that it only acts as the spurs to the horse, exciting the constitution to effort that it would not otherwise be able to perform, but supplying nothing. Dr. Clarke did not testify touching the assumption that alcohol is respiratory food; and when the learned counsel for license asked Dr. White, if Liebig had not taught that doctrine, he said he had; but when he was asked, on cross-examination, if that doctrine was true, he said, "it is undemonstrated." Dr. Charles T. Jackson testified that he knows that alcohol is respiratory food; that it does undergo combustion in the system, and gave, as his proof, that he had detected the odor of acetic acid in the breath. Dr. Hayes, on the stand, in answer to the question, whether acetic acid, detected in the breath, is proof of alcoholic transformation, said, "not unless all the possible conditions are noticed," so that there should remain no other way of accounting

for its presence. Dr. Lees, of England, maintains that if alcohol does undergo such transformation, there would undoubtedly be aldehyde in the blood. As this is never found it creates a strong presumption that no such change takes place. "No ashes, no fire! No shells, no eggs! Dr. Anstie and others," he says, "quietly ignore this important fact."

Dr. Henry Munroe, F. L. S., Lecturer on Medical Jurisprudence and Histology at the Hull and East Riding School of Medicine, etc., who wrote in 1865, speaking of the French physicians and chemists, says:—

"These physiologists completely vindicate the old definitions of food and poison given by temperance teachers. They show most lucidly, for example, that moderate excitement is simply a lower degree of the same kind of abnormal stimulation which is known as inebriation, and that alcohol never gives force, but merely wastes it."

Proceeding to give the conclusions to which these chemists, Dr. Lees, who also wrote in 1865, and others, have arrived, he says:—

- "1. Alcohol is not food.
- "2. Alcohol is a special modifier of the nervous system. It acts, in a feeble dose, as an excitant; in a larger, as a stupefiant.
- "3. Alcohol is never transformed, never destroyed, in the organism.

"4. Alcohol accumulates by a sort of elective affinity in the brain and in the liver.

"5. Alcohol is eliminated from the organism in totality and in nature. The channels of elimination are, the lungs, the skin, and above all, the kidneys.

"6. Alcohol has a pathogenetic influence, material and direct; upon the development of many functional disturbances and organic alterations of brain, liver and kidneys.

"7. Spirituous drinks owe to the alcohol they contain their common properties and the specialty of their effects. The use of fermented and distilled liquids is often (always?) noxious; it should always be restrained; it should never be tolerated save in exceptional circumstances."

During the last few years, the "British Medical Journal" has liberally opened its pages for the discussion of the question, "Is alcohol food or physic?" The distinguished editor, Dr. Markham, thus sums up the discussion, as far as it goes:—

"We have no wish hastily to speak on this important matter, but we are in conscience bound boldly to declare the logical and inevitable conclusions, as they seem to us, to which a scientific view of the subject *forces* us."

The grand practical conclusions are these:—

"1. That alcohol is *not* food; and that, being simply a stimulant of the nervous system, its use is hurtful to the body of a healthy man.

"2. That if its imbibition *be* of service, it is so only to man in an abnormal condition; and that our duty, as men

of medicine, is to endeavor to define what those particular abnormal states are in which alcohol is serviceable.

"3. That ordinary social indulgence in alcoholic drinks for society's sake, is, medically speaking, a very unphysiological and prejudicial proceeding."

I have dwelt upon this subject because of the importance that has been given to it in this investigation. The latest authorities, except Prof. Horsford, of our neighboring University, and Dr. Charles T. Jackson, whose opinions upon this subject wait to be confirmed, if they are not already overthrown, are against the proposition that alcohol is transformed in the human economy. No matter how many testimonies to the contrary of twenty or even ten years ago. *They* cannot be conversant with the experiments upon which the true doctrine rests. Nor does Prof. Dalton, I think, countenance the error.

The question, then, comes back to us: Are alcoholic preparations food? Are they respiratory food? Are they assimilative? Do physiological experiments indicate transformation of alcohol in any way? I think not. But there remains the fact that a certain Italian nobleman did live on a certain amount of bread and wine for a very long period. It is urged, therefore, that wine is nutritious. But the

- alcohol of the wine is not nutritious. It is the body of the grape juice that is nutritious. Dr. Munroe distinctly says, whatever there may be of nutrition in the lighter alcoholic drinks, it could be better supplied, in all normal conditions, by solid food itself. But, gentlemen, I feel that it will be time enough to resort to this at least questionable kind of food, when we find ourselves on short allowance of the more reasonable food. A physician, in a recent letter, alluding to the testimony concerning the individual abroad so many times seen intoxicated, expressed the opinion that it must have been the Wandering Jew become dissipated. Was he simply over-fed? What shall be said of the *delirium tremens*? What shall be said of the intoxication of the hundred persons, mostly young men, who, Deacon Stoddard testified, were seen, some years ago, in the space of two hours, on a Saturday night, between twelve and two o'clock, between Washington and Cambridge Streets? Are these states of surfeit from alcoholic food?

On the general inutility of alcoholic beverages, Carpenter is probably the highest authority we now have. A physician of eminence, a Fellow of the Royal Society, Fellow of the Geological Society,

Examiner in Physiology in the University of London, and Professor of Medical Jurisprudence in University College, his reputation had been established on both sides of the Atlantic, by his most valuable works on Human Physiology, and by various other writings. When it became known that Dr. Carpenter was one of the fifteen competitors for a prize of one hundred guineas for the "best essay on the use of alcoholic liquors in health and disease," the highest expectations were cherished in regard to his success. The prize was awarded to him by a committee no less distinguished than Dr. John Forbes, F. R. S., Physician to the Queen's Household, Prince Albert, and the Duke of Cambridge; Dr. G. L. Roupell, F. R. S., Physician to St. Bartholomew's Hospital; and Dr. W. A. Guy, M. B., Cantab., Professor of Forensic Medicine, King's College, London. No sooner did the work appear than it was republished in this city, under the auspices of the late distinguished Dr. John C. Warren, President of the Massachusetts Temperance Society. In this work, making a volume of about 250 pages, Dr. Carpenter maintains:—

"That the capacity of the healthy human system to sustain as much bodily or mental labor as it can be legitimately

called upon to perform, and its power of resisting the extremes of heat and cold, as well as other depressing agencies, are not augmented by the use of alcoholic liquors ; but that, on the other hand, their use, under such circumstances, tends positively to the impairment of that capacity.”*

Dr. Carpenter also quotes and endorses the following certificate, which had been signed by “upwards of *two thousand* physicians, in all grades and degrees, from the court physicians and leading metropolitan surgeons, to the humble country practitioner,” the names of about *one hundred and fifty* of the more prominent of whom, he gives in an appendix to his Essay.

“ We, the undersigned, are of opinion,—

“ 1. That a very large proportion of human misery, including poverty, disease and crime, is induced by the use of alcoholic or fermented liquors as beverages.

“ 2. That the most perfect health is compatible with total abstinence from all such intoxicating beverages, whether in the form of ardent spirits, or as wine, beer, ale, porter, cider, &c., &c.

* If alcohol arrests disintegration of tissue, must it not, to the same extent, arrest the evolution of force ? There is no power, motion, or even thought healthfully evolved, according to the latest teachings of philosophy, without both integration and disintegration of tissue. See Messrs. Frothingham's *Ontology* ; Spencer's *First Principles* ; and Grindon's work on *Life*. The latter says : “ Power, which is only life under another name, is resolvable, essentially, into constant progression.” Tissue preserved by alcohol, would not be living, but *pickled*, tissue ; and *pickled* tissue evolves no force. Hence Carpenter's conclusion as above.

“ 3. That persons accustomed to such drinks may, with perfect safety, discontinue them entirely, either at once, or gradually after a short time.

“ 4. That total and universal abstinence from alcoholic beverages of all sorts would greatly contribute to the health, the prosperity, the morality and the happiness of the human race.”

Dr. Carpenter adds:—

“No medical man, therefore, can any longer plead the singularity of the total abstinence creed as an excuse for his non-recognition of it.”

Gentlemen, granting that the lighter alcoholic beverages have nutritious qualities in the body of their liquids—in quantities so extremely minute as to be of no consequence—they, in common with distilled beverages, should be rejected, not only because, as already shown, they are not useful, but because of their almost universally factitious character, and of the other evils, as well as drunkenness, sure to follow.

The testimony has been various before you that the drinks of the day, of all sorts, are adulterated—manufactured; wines that never saw the grape; brandies, champagnes and various other liquors, that are never in any particular what they claim to be. Mr. Derby and the Consul from France, and one other gentleman, introduced the same morning,

are almost the only witnesses on the other hand. They have had singularly good fortune in regard to the purity of their wines. Whether the French Consul, and his friend testifying with him, are agents for wine houses abroad, I have no knowledge whatever. I have, however, the testimony of a distinguished citizen of Boston, which was volunteered to me in a letter, to the following effect:—

BOSTON, March 15, 1867.

DEAR SIR:—I listened with surprise to the testimony of Mr. E. H. Derby and others, at the State House a few days since, respecting the infrequency of intoxication in France, which seemed so counter to the books I had read, and my own experience in many visits to that country for the past forty years, that I cannot forbear attempting to correct the wrong impression conveyed to the minds of the Committee, by giving extracts from a work published this year, (a copy of which is in the library of the Boston Athenæum,) entitled *Commercial Hand-Book of France*, by Frederick Martin, author of the *Statesman's Year Book*. Publishers, Longman, Green & Co., London. I will add that the introduction of beer from Strasburg on the Rhine, Dantzic and Bavaria, and its increased use in France, have multiplied greatly the number of drunkards in France. I remain,

Your very obedient servant,

AN HONORARY MEMBER

Of the Manchester Statistical Society of England.

I have the liberty to announce the gentleman's name—Mr. Peter T. Homer, of Boston. The

extracts to which he refers, from the Commercial Hand-Book of France, are the following, and I beg your particular attention to them. The city of Lille, with a population of 131,827, is remarked upon as follows:—

“The Lille workmen, unlike those of Lyons, are not prone to engage in insurrections, and no French manufacturing town has in proportion so many mutual benevolent societies. These, however, are so badly organized and conducted as to be next to useless; their meetings are mostly held in a beer shop, and at the end of the year all the money in the chest, above a small amount, is divided among the contributors, to be spent on the spot, and the *new* year commences with a *new* fund, the ultimate destination of which is the same. Drinking is in fact the prevailing vice and *sole* amusement of the workmen of Lille, most of whom are of Flemish origin. Though chiefly prevalent among the cotton weavers, it is not a consequence of the introduction of the cotton manufacture, for long previously to that epoch many of the work people were accustomed to work only three days in the seven, and to spend the other four in pot-houses.”

Of Roubaix, with a population of 49,274, the following extract is given:—

“The working population live mostly on meat, soup, potatoes and *beer*, using butchers’ meat four days a week. Drunkenness is here, and, indeed, *everywhere* else in French Flanders, a prevalent vice; but in other respects the conduct of the workmen is reported to be good.”

Of Rouen the report is as follows:—

“With a population of 102,649, in Normandy, on the railway from Havre to Paris, and 67 miles north-west from Paris, about 50,000 people are engaged in the cotton manufacture. The manufacturers of Rouen pride themselves on the superiority of their products. The working classes of Rouen are, upon the whole, in a much less depressed condition than those of Lille, and their health is also much better. *Drunkenness* is in both towns the prevailing vice among the lower classes, but it seems to be less prevalent at Rouen.”

Then, in regard to factitious wines, the following extract is given touching Bordeaux, with a population of about 200,000, engaged largely in the wine trade:—

“Of the 2,030,000 hectolitres of wine exported from France about one-half passes through Bordeaux.”

After giving the various names of the first three qualities, the account continues:—

“It is but seldom that any of these growths are exported in a state of purity. It is usual for the merchant of Bordeaux to mix and prepare wines according to the market to which they are to be sent. One kind is prepared by adding to each hogshead of Bordeaux three or four gallons of Alicant or Benicarle, a bottle of alcohol, &c. This mixture undergoes a slight degree of fermentation, and when the whole is sufficiently fretted in, it is exported under the name of claret.” * * * *

“The inhabitants of the wine countries in France are from their infancy accustomed to drink ‘piquette,’ which is made by pouring water over the stalks and residue of the grapes after the juice is extracted, and, in some instances, after the stalks have been exhausted in the wine presses, so that ‘piquette’ is often nothing but water that has passed through the casks in which stalks are put. But this acrid, acidulated beverage, better or worse according to circumstances, the poor drink ordinarily, so that the acidity in wine of a bad vintage is not of such consequence to natives as to foreigners, none but good vintages being bought to export.”

It is stated that—

“Cette, on the Mediterranean, with a population of 22,438, annually exported about 36,000 tons of wine and 4,000 tons of brandy. A good deal of Benicarlo wine from Spain, for mixing with claret, is imported. In the year 1865, there were not less than 176 houses engaged at Cette in the manufacture of and trade in wine.”

I proceed to confirm these conclusions, by a few other extracts, (and they will be brief,) on the drunkenness of wine countries. James Fennimore Cooper said, in a letter published in the “Enquirer,” at Albany, some years ago—in 1841:—

“I came to Europe under the impression that there was more drunkenness among us than in any other country—England, perhaps excepted. A residence of six months in Paris changed my views entirely. You will judge of my surprise, when first I saw a platoon of the royal guard,

literally a whole platoon, so far as numbers and the order of their promenade were concerned, staggering drunk within plain view of the palace of their master. From this time I became more observant, and not a day passed that I did not see men and women in the same situation, in the open streets."

The late Horatio Greenough, the sculptor at Florence, said:—

"The abuse of wine here is much greater than a hasty observer would suppose. The quantity drunk, by a very large class, is double that (of any species of liquid) considered wholesome for man. It produces most of the bad effects of ardent spirits, as misused in our country, and is perhaps, as being more gradual in its operation, more insidious. I have been assured by competent judges that a great portion of the violent inflammatory complaints so prevalent here have their origin in, and owe their development to, this abuse of wine."

Adding to the testimony of our own countrymen, Cooper and Greenough, I give you, on the authority of Mr. Delavan, the testimony of the king of France:—

"In my interview with the king of the French, he stated expressly that the drunkenness of France was occasioned by wine; that in one district of his empire there was much intemperance in gin; but he considered wine the great evil. I took the liberty of asking him if I understood him to say that his opinion was that wine occasioned most of the evils

of intoxication in France, and he replied with great emphasis, 'THE DRUNKENNESS OF FRANCE IS ON WINE;' and that the only true principle of temperance was entire abstinence from all that can intoxicate. In an after interview with the Duke of Orleans, he assured me that he entirely coincided in opinion with his father, and would consider it a great blessing to the world and to France, could other cultivation take the place of the vine, so far as its product was used in creating intoxicating drinks."

And yet, with evidence like this before us—no, I will not say before us—but with these facts existing, we are asked to introduce the grape for the manufacture of alcoholic beverages to cure intemperance. "Lord Acton, Supreme Judge of Rome," says Mr. Delavan further, "assured me that all or nearly all the crime of that city originated in the use of wine."

I might extend this testimony, as I have marked extracts to do, threefold, and should by no means exhaust what I might say on this subject; but I must pass to other branches of my argument. I cannot omit, however, the evidence of Rev. Dr. A. L. Stone, touching the influence of wine in California. It is sent to me by Rev. Christopher Cushing, Pastor of the First Congregational Church in North Brookfield, Mass. He adds his own testimony from several visits abroad. Having

resided some weeks in Paris, and also in Boston, he says he saw more drunkenness in Paris than in Boston in the same length of time. The testimony of Dr. Stone is:—

“I had entertained a sort of hope that the manufacture of pure wines and their introduction into general use, would crowd out the gross strong liquor and diminish intemperance. I am now fully convinced that this hope was groundless and delusive. It is in evidence that full two-thirds of all the wine manufactured, is converted by the manufacturers into brandy. It also appears that in the wine-growing districts intemperance is on the increase, extending even to the youth of both sexes. There is no way but to take ground against the production of grapes for all such manufacture.”

I regret that I cannot read the letter entire.

Mr. Carey testified that he attended a musical convention at Lausanne, making an excursion on Lake Lemman, with a body of four hundred Swiss musicians, a large part of whom were intoxicated on wine.

Rev. Dr. Warren, who was for five years a resident in Germany, and a professor in one of their institutions, testifies that in various parts of Germany and certain sections of France drunkenness was exceedingly common, and drunkards were visible in large numbers. He speaks of clubs of students to which the majority of students of

several institutions belong, the greater portion of whom were habitually drunk once at least every week, the like of which he never saw in this country. This, gentlemen, will be found in the printed testimony.

Hon. Amasa Walker testified to the fact that the reason why drunkards were not seen in the streets of Paris was that the police put drunken men out of the way.

The truth is, in wine-drinking countries there is more intoxication than in Massachusetts; the truth probably is that there is no civilized community on the face of the earth, so abstemious and temperate to-day as the native population of Massachusetts and some other New England States. There is no counter testimony before this Committee on this subject. The fact that Mr. Derby travelled abroad and saw but one drunken man, is not evidence that there is no drunkenness abroad. Twenty men may see, and twenty men may not see; but the fact that the twenty did not see, is not rebutting evidence against the twenty that did see.

Much has been said by various witnesses in regard to the necessity of licensing the traffic, that we may have pure liquors sold; as though the sanction of the law thrown around the liquor-seller, took away all

the temptation to make cheap liquor to sell at a high price! Well, gentlemen, in England they have a license law; and the testimony is that, "in 1865, 9,400 pounds of *cocculus indicus* was imported into Great Britain—enough to adulterate 120,000 barrels of beer. It is not employed as a medicine, and is known to possess most deleterious qualities."

The Legislature of Ohio, in March, 1855, directed Dr. Hiram Cox, a distinguished chemist of Cincinnati, to make a thorough examination of such liquors as were in the market. The following, from a letter to James Black, Esq., of Lancaster, Pa., gives some of the results of his investigations:—

"I was appointed to the office of chemical inspector on the 19th day of March, 1855. Since then I have made upwards of 600 inspections of stores, and lots of liquors of every variety, and positively assert that 90 per cent. of all that I have analyzed, were adulterated with the most pernicious and poisonous ingredients. The business of inspecting against the will of men who are only governed by motives of cupidity, I have found an up-hill business. I have had more *lawing*, more squabbling and quarrelling with unprincipled things, bearing the shape and form of men made after God's image, since I have been engaged in the capacity of inspector, than I had during half a century before. You may think I have heard it thunder some; well, so I have. I am sixty-six years old, but in all my recollection I have not heard *thunder* that had the same effect on my nervous system, nor anything

else to affect my sympathetic nerves so much as the sad effects of imbibing the miserable concoctions sold in our markets under the character of healthy beverages, with which *cocktails*, *brandy-smashers*, *mint-juleps*, &c., &c., are concocted, and which sent young men, all under thirty years old, and all sons of some of our most respectable citizens, to a premature grave, during the winter previous to my appointment; some of whom had not been drinking three months! Not only young men, but many old men of our city, who were not considered drunkards, died, during the same winter, the horrid death of the drunkard with the *delirium tremens*! These facts induced me to accept the unthankful appointment. Since the appointment, I have, as physician to the Probate Court, examined upwards of 400 insane cases, two-thirds of which number became insane from drinking the poisonous liquors sold at the doggeries and taverns of our city and country. Many of them were boys from nineteen to twenty years of age, some of whom were laboring under a hereditary taint—and perhaps in many of them the mental derangement would never have been developed, had they not drank of these poisonous decoctions.”

Having thus shown that the evils of intoxication and effects of intoxicating liquors, are not compensated by any good they can do; having spoken of the drunkenness in wine countries and the character of the liquors, I would not pass on without noticing the argument, which I judge will be made, that the Bible sanctions the use of liquors. I regret that I cannot dwell on this point. I hold in my hand a

little work written expressly on this subject; and the testimony which the Rev. Mr. Ritchie has herein collected, will be far more valuable than any I could give you. I cannot detain you farther than to say that here is conclusive evidence that grapes in wine countries are much used as food in their solid form; that a wine pressed from the grape is used as a beverage, as milk is used in other countries—the unfermented juice of the grape; the wine thus prepared is kept by a certain process, preventing fermentation, for a long period; various authorities testify that this wine, unfermented, in Palestine and other wine-growing countries, is regarded as better wine than the fermented wine; there is evidence here, denied, or impliedly denied by the counsel on the other side, that the Jews did not use fermented wine in their Passover and other festivals, but, on the contrary, as they adhered religiously to unleavened bread, they adhered also to unfermented wine. Therefore, there is not the slightest evidence of the Scriptures giving any countenance whatever to the use of fermented liquors.

Let me give you a summary of the testimony of biblical scholars on this subject. There are in the Old Testament nine words translated wine. The first one, *tirosh*, occurs thirty-eight times and is

uniformly translated "wine," but is believed never to mean wine, but the solid grape. It occurs where corn, wine and oil are mentioned together, and where gathering the corn, wine and oil, is spoken of; where the material from which the wine is made, the solid grape, is referred to. This is uniformly pronounced a blessing, and is always spoken of in terms of commendation.

Then there is the word *shechar*, that occurs twenty-three times, and as a beverage is uniformly spoken of with warning and condemnation. It is used in the Scriptures, where "strong drink" is coupled with wine, but where there is, however, nothing answering to the word "strong." That is another kind of beverage made from dates, olives, and such kinds of fruits, bearing the same relation to wine that those fruits bear to the grape, and only stronger as they become so by fermentation. Now it is singular that, though this article, and wine when connected with this article, are spoken of in condemnation, they were not what we call "strong drinks." Distilled liquors were unknown in those days. There were no drinks answering to the rum and whiskey of to-day. It is an entire mistake to regard such liquors as among the "strong drinks" mentioned in Scripture.

The third word, *yain*, which is found still more frequently in the Old Testament, and which is translated "wine," occurs one hundred and forty-one times. While *tiros̄h* is always spoken of as a good, and *shechar*, as a beverage, is always condemned, *yain* is of a generic character, sometimes approved and sometimes condemned, according as it is applied to unfermented or to fermented wine. While it is spoken of in a few instances approvingly, in a greater number it is mentioned with condemnation. There are six other words, occurring altogether twenty-seven times, of a similar generic character, speaking of wine indefinitely. Thus, as far as appears, of the fermented and unfermented juices of the grape, of the whole two hundred and twenty-nine cases in which these terms occur,—two hundred and six are either certainly unfermented juice of the grape, if juice at all, or cases in which the term is used neutrally.

In the New Testament two words are given, occurring thirty-three times, which, in their sense, general use, and generic character, correspond to the term *yain*.

With these facts before us, is it not plain that because something called wine in the translation

is in one case approved and in another case condemned, that the case wherein it is approved is not, therefore, equivalent to the case in which it is condemned? On the contrary, the fact that there is this distinction, shows that no conclusion favorable to intoxicating wine can be drawn from the Scriptures.

When it was said, "John the Baptist came neither eating bread nor drinking wine, and ye say he hath a devil—and that the Son of Man is come eating and drinking; and ye say behold a gluttonous man and a wine-bibber,"—it does not follow that Christ therefore drank intoxicating wine. It is scarcely less than blasphemous, with the above facts before us, to say it. He denied nothing. He did not say that John had not a devil; that he himself was not a glutton, nor that he was not a wine-bibber. Besides, that phrase does not necessarily imply excess. If the Saviour used unfermented juice of the grape, he would naturally expose himself to that charge, at the lips of malicious foes. That is all that can be alleged, although a reverend gentleman, in elaborate arguments, which, for aught I know, may be repeated here, has maintained that because the Saviour did not deny it, he was open

to the charge of being a wine-bibber, meaning by the term, a drinker of intoxicating liquors.

At the marriage feast in Cana, the Saviour converted water into wine. Of this I have no doubt. Gentlemen, I would be willing Massachusetts should give a license to any of her citizens to do the same who can. I would be willing to give them a license to sell wine when manufactured in this way. But observe! our Lord was no imitator. It does not follow that he made intoxicating wine; and though it was pronounced by the master of the feast to be the best wine, who has any difficulty in conceiving that it had a better flavor, a richer boquet than any other wine mortal ever saw? He was not obliged to imitate a bad vintage, or carry it through the process of fermentation. There is no evidence of that, and the case is hard pressed that will resort to an argument of this sort. The language is, "when they had well drunk;" and the gentlemen who maintain that the charge of making intoxicating liquor can be sustained against the Saviour, charge him with giving intoxicating liquor to men already "well drunk." Let them adjust the argument to their reverence as best they may.

We cannot deny that the Apostle Paul did say to Timothy:—"Drink no longer water, but use a

little wine for thy stomach's sake and thine often infirmities." As was well said by a gentleman here, that is total abstinence doctrine. Paul was a total abstainer. Timothy was a total abstainer. He would not touch anything but water until the Apostle told him to take a little wine for his stomach's sake. The difficulty is, when any man who loves wine, reads Paul's language to Timothy, he instantly imagines that his own name is Timothy. His infirmities return upon him twice as often as did Timothy's ; and, if he cannot discover his infirmity, he calls some medical gentleman here to tell him that no man is perfectly well.

We have thus endeavored to show that however useful, medicinally, intoxicating liquors may be, they are not useful as beverages ; on the contrary, they are injurious. We do not assume, for all men, that it is a sin to use a single glass of such beverages of whatsoever kind. We do assume this : If alcoholic preparations as beverages are injurious to men in health, it is a wrong to one's self to take them ; and a wrong to one's self is a sin against God, if done intelligently—injuring one of the creatures of God, which every man is bound to respect as much as he is every other creature of God. If we had more morality of that sort preached in our pulpits, there

would be fewer rumsellers, on the one hand, and fewer clergymen loving their various drinks, and testifying to the increase of intoxication, on the other.

But I stand not on this ground of argument alone. I proceed to admit that alcoholic beverages may be useful to many of you in a normal condition of health. My proposition still is: Considering that you are members of society, linked to the interests of the community about you; considering that there is a power in your example, you are bound to abstain, as a duty to the community if not to yourselves. The Christian law of morality is a law of example, on the one hand, and of sacrifice, on the other. Many a man about us forgets this fundamental doctrine. Men are talking of their right to drink. I grant you, gentlemen, that a man standing alone may have a right to do what he could not do under other circumstances. There was a reverend gentleman, of great excellence of character, who himself uses liquors, who here on the stand testified to the great increase of intemperance about him, (for he lives in the midst of foreigners,) and who protested that he so desired to benefit these poor creatures that he would, if he knew himself, even lay down his life for them; but it did not appear

that he had ever been willing to give up his cups for them.

Another reverend gentleman, a most excellent man, whom I respect, and believe like the former gentleman to be sincere, testified that, while he continued moderate indulgence, if he had a class of theological students, he would feel called upon, in regard to his example and influence over them, to forego the use of what otherwise he would feel at liberty to take; forgetting that he has a Sunday school about him, made up of young men, women and children, with whom his word and his practice are almost divine law—that he has his parish about him, which makes a very important element of influence in this community. I fail to see how the law of social influence could require him to forego such things in regard to students, and not require it in regard to Sunday school, parish, and the community at large. If that law demands abstinence as regards students, his standing there with every drinking metropolitan priest, is a violation of the same law of social influence. At the same time, I cherish the utmost respect for these men. I know the influences under which they have been brought here; but I regret their example, as a

most pernicious one, in every point of view. And when they testify to the vast increase of intemperance, in the community as a whole, I cannot accept their statements.

In the first place, they do not set such an example, according to their own testimony, on this subject, as warrants us in taking their opinion as final proof. We know that every man draws to himself others of his class. A drinking pulpit will be surrounded, in Boston, by a drinking auditory; and a total abstinence pulpit, if its opinions be emphatically pronounced, will be in general surrounded by a total abstinence auditory. I can point out congregations in the city of Boston, in which habits of drinking have not increased, and in which numerous families, who twenty years ago placed liquors on their sideboards, have removed them, and proffer them to no guest at their homes.

Then the law of appetite has its natural sway. If these men have been drinking twenty years, their testimony but confirms the law. The habit of indulgence increases gradually upon them and their friends, and they are obliged to confess that in their circles the evil is growing greater.

I cannot forbear, gentlemen, to adduce the testimony of the late President Nott, of Union College,

upon this subject of personal influence. Having spoken of the little influence of the debauched inebriate, who in his own person is a warning against indulgence, he says:—

“But reputable [careful] Christian wine-drinkers are the men who send forth, from the high places of society, and sometimes even from the portals of the sanctuary, an unsuspected, unrebuked, but powerful influence, which is secretly and silently doing on every side, among the young, among the aged, among even females, its work of death. It is this reputable drinking of these disguised poisons, under the cover of an Orthodox Christian name, which encourages youth in their occasional excesses, reconciles the public mind to holiday revelries, shelters from deserved reproach the bar-room tipplers, and furnishes a salvo even for the occasional inquietudes of the drunkard’s conscience.

“Regard this conduct as *we* may, there can be no question how God regards it. He has not left Himself without a witness of His displeasure in any city, town, or hamlet, throughout the land.”

But there is a greater than Dr. Nott, a greater than any of the witnesses who have been on this stand, that has spoken on this subject,—the man who knew his liberty and his duty, the holy apostle Paul:—

“Wherefore, if meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend.

"It is good neither to eat flesh, nor to drink wine, nor anything whereby thy brother stumbleth, or is offended, or is made weak."

Observe that last phrase. No right has a Christian man, (I say it with entire respect to everybody who has testified here, for I cannot forget that we have had ministers of eminence before us,) I repeat, no Christian man under heaven, in a state of health, seeing the tendency of weak men to run into excess, and fall under the dominion of these social evils, has a right to use his liberty in swelling the tide of influence that has swept so many thousands away.

How shall we explain the fact that so many godly men, conscientious men, are in this error? By the very law which they themselves illustrate in their testimony. They are residents of the city of Boston; and I solemnly aver before you that, if any man—any young man especially—steps into a Boston pulpit and is silent for six months on this question of the character of the liquor traffic, he will find himself surrounded by a class of wealthy men, who will invite him to their homes, seduce him by the wine-cup, and lay him under obligation in a thousand ways. Whenever he finds himself degraded to this humiliating condition, though he

may remain in the pulpit, he has ceased to be a minister of God.

Look at this city of Boston. The learned counsel on the other side told us that there are \$25,000,000 here invested in the liquor traffic. The valuation of Boston is stated by Hon. Otis Clapp at \$415,000,000, and the liquor interest at \$40,000,000. John Glancy, (who he is I don't know,) at the liquor-dealers' meeting, placed the sum at \$90,000,000 to \$100,000,000. I think the valuation confirms the last statement. We all know that full valuations are rarely obtained; and when you consider the difficulty of valuing that which is valueless, you will conceive how Mr. Glancy and the Assessors may differ. I cannot doubt that very much of the testimony we have had, illustrates the power of this vicious interest, even over reputable men, especially when seconded by corrupted appetites.

Why, gentlemen, call to mind the testimony of that witness whom we were not allowed to question on the points for which we summoned him before the Committee, but who testified to various other things, and among them deliberately said that if a young man—a friend or brother of his—a novice, not initiated into drinking liquor, were to ask his

counsel—though a liquor-dealer, though now pleading for power under the law to sell, and declaring that the business ought to be made respectable—yet if this novice should ask his counsel, he would say to him, “You had better not touch it.” Contrast with this the pious cant of the Reverend Doctor of Divinity, who, ejaculating that “nothing impure can enter heaven,” drew down upon himself the applause of a liquor-selling and liquor-loving audience, by an exhibition of the glories of moderate drinking.

Yes, the counsel will say, you may make your especial case—you may make your case on this ground, that it is a duty under social law to forego a good, in fulfilment of the Christian obligation of example and sacrifice—the very law that the Lord Jesus Christ illustrated in laying down his life for the world; but you have no right, the Commonwealth has no right, to require that sacrifice. A, B, C and D, may voluntarily make the sacrifice, but the State has no right to command it. I reply: if it were a good to the individual, and that individual were Robinson Crusoe, and his man Friday were dead, Robinson Crusoe might use wine, if it pleased him, in his normal condition as a man. But Robinson Crusoe does not represent you, gentlemen, nor

are you under the simple obligations that would rest on Robinson Crusoe, excluding his man Friday. You are not living by yourselves.

A friend of this cause very well said, "Talk about the sin *per se* of the sale or use of a glass of liquor. There is no *per se* about it." That is, there is no drinking and selling, by themselves, about it. There is no *per se* about it. Every man has a social power, and helps swell the tide of social influence; and no man can drink or sell intoxicating liquors as beverages, without trampling upon and violating the social law; and, if he knows what the truth is, if his conscience is enlightened on the subject of moral influence and personal example, he sins against society and against God.

I feel bound to refer to a high counter authority, or rather opinion, (for no man is authority on this subject,) that of John Stuart Mill. Mr. Mill has evidently not joined the total abstinence society. He believes in the right of the individual to take his glass of liquor, and looks upon it as a mere personal consideration. He does, however, admit this:—"Whenever there is a definite damage, or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty, and placed in that of morality or law."

The Secretary of the British Temperance Alliance, in his letter to Lord Stanley, says:—

“If anything invades my social rights, certainly the traffic in strong drink does. It destroys my primary right of security, by constantly creating and stimulating social disorder. It invades my right of equality, by deriving a profit from the creation of a misery, I am taxed to support. It impedes my right to free moral and intellectual development, by surrounding my path with dangers, and by weakening and demoralizing society, from which I have a right to claim mutual aid and intercourse.”

Mill says:—

“A theory of social rights, the like of which probably never found its way into distinct language—being nothing short of this—that it is the absolute social right of every individual, that every other individual shall act in every respect exactly as he ought; that whosoever fails thereof in the smallest particular, violates my social right, and entitles me to demand from the legislature the removal of the grievance.”

You observe the principle at issue. Mr. Mill admits that when there is a definite or specific injury or danger to the public, the law may interfere; but his doctrine is that, in the use of intoxicating drinks, there is no such specific or definite injury, or hazard of injury, as warrants the government in interfering; that, if it is an encroachment

upon private rights, the consequences which may arise are so vague that they cannot be noticed.

Apply his logic to other laws, in regard to which our whole public is a unit. Take the laws respecting obscene books and prints. Is the injury to the community, which they bring, any more definite, any more specific than that involved in the use of liquors as beverages?

Turn to the law which arrests your truant children. It is not a sin *per se* to walk the streets; yet the hazards of ignorance justify the Commonwealth in enacting laws upon that subject, taking it out of the domain of individual rights, and placing it in the domain of law.

Take the law prohibiting the employment of children in the manufactories of the Commonwealth, unless they attend school a certain length of time in every year;—or take, indeed, our entire public school system. What right has the Commonwealth to tax any one of you to maintain the common and high schools for the instruction of the poor and friendless. Ignorance is a vague and indefinite hazard to the community. Yet out of that vague and indefinite danger comes the right to maintain this system by taxation. It is true that A, B, C and D might see the necessity of this without law;

but E, F, and G might not; hence the law does not hesitate to disregard the feelings, wishes, and, in some instances, the consciences, of a portion of the people, and impose the burden of taxation upon the whole people with this single point in view.

There is another matter to which I desire to call your attention. Few, if any, witnesses here have pointedly denied the right of the government to maintain a prohibitory law. Perhaps Ex-Governor Clifford is an exception to this remark. When asked if such an enactment does not transcend the legitimate authority of the State, he answered, "undoubtedly." At the same time, he proceeded to say that the State has a right to enact laws, which, without attempting the impossible, shall restrain both the sale and use of intoxicating beverages. Precisely this, in principle, and no more the present law accomplishes. The degree and extent of that restraint, is another matter, and does not turn upon the question of legislative authority.

The Hon. Joel Parker, the most learned man in the law, perhaps, before the Committee, did not condemn the law on this ground. When asked his opinion on this point, he said that, "if the prohibitory law could be executed so as entirely to suppress drunkenness, without any evil to the community

from the absence of the means of drunkenness," he was "not prepared to say that a prohibitory law might not be a subject of legislation, without regarding the sale and use of intoxicating beverages as especially sinful." Then, it is a question of expediency, gentlemen, and not of the rights of people.

Judge Sanger, one of the most intelligent and honest men that has been on the witness stand, from the beginning to the end of the hearing—though, in his opinions concerning a license law, differing from the remonstrants—did not hesitate to say that, while he regarded the prohibitory law as in some respects trenching on private rights, all arbitrary social law does the same; and our system of taxation to repair the damages done by the liquor traffic, in like manner trenches upon private natural right. And when asked the question, whether these evils were not incomparably greater than any that could result from prohibition, he said that, "putting it in that way, which of the two he should prefer, unrestrained sale, or absolute prohibition, he should prefer prohibition." If we are to join issue on the question of rights, the honest, sober, industrious people of the Commonwealth claim the right to be delivered from the tax of four millions, more or less,

to repair the ravages of intemperance—to say nothing of the abstraction of many other millions from what, but for our drinking customs, would be the valuation of the Commonwealth, helping to pay the taxes that would remain.

Dr. Nathan Allen, of Lowell, Chairman of the Board of State Charities, speaking of the use of liquors as beverages, distinctly declares that, in the social relation, it is within the domain of law. And he was writing with regard to the material interests of the State.

Hon. Emory Washburn, Law Professor in Harvard College, said he would “sustain the present law and prohibit the sale of liquor, if he could;” and “if it should be carried out, he would go the whole length of the matter.” He cannot, therefore, be troubled about the constitutionality of the law.

But, if this point is an assailable one, why has it not been carried up to the Supreme Court of the United States? Why have not the Judges of that Court decided that it is an unwarrantable trenching upon the rights of the people?

Besides, we must assume that these petitioners are asking for a license law to restrain the liquor traffic, and consequently the drinking of liquor as a

beverage. Now, in just so far as such a law shall be stringent and a restraint, in just so far it will be open to all the objections, as regards human rights, which can be urged against the prohibitory law itself. Some law there must be; and the true foundation of all legislation in this respect, must be the public good.

But, passing many things which I have not time to present, I come to the objection that the law cannot be executed, because public opinion is against it. We began our hearing six weeks ago with that declaration. Presently the fact was forced upon the Committee, and upon the counsel even, that it is executed; and latterly we have heard very little about its non-execution.

But, in regard to its execution or its non-execution in Boston,—and, until the State Constabulary came to the work, it was non-execution—I have something to say. I have three answers to make.

I. In the first place, the responsibility of the non-execution of the law in Boston, rests upon the authorities of Boston, who stand in a grave position in this respect. I am touching on nothing questionable. (1.) They have largely made, in connection with those classes of respectable men who have

testified here, that very public opinion which they adduce against this law. They have, therefore, no right to testify upon this question. Noble as the city is in some respects, it comes here in the worst position, in this regard, that it could possibly hold. (2.) In the second place, the authorities steadily opposed originally the enactment of a prohibitory law. (3.) In the third place, in 1852, before the prohibitory law then just enacted went into operation, they granted several hundred licenses under the old license system, which had not been done for a number of years. (4.) In the fourth place, the mayors in their annual addresses, with scarcely an exception, (I think there was one exception,) have opposed the law, declaring in distinct terms that it could not be executed, at the same time that they deplored the number of places where liquor was kept for sale, and the amount of liquor which was drank. (5.) In the fifth place, the police of the city, at some times, have been forbidden to enter places of sale. At these times some seeming steps towards the execution of the law were taken, but the officers were shut out of the shops and could not give testimony. I will not say that this was the motive; but it was the practical result. (6.) In the sixth place, the police

have never had unqualified orders to execute the law. (7.) In the seventh place, some from among the liquor-sellers have been uniformly, by the Board of Aldermen, selected for the jury lists; so that practically there have been one or more liquor-sellers on each of the respective traverse juries. These men have been selected, *by those who knew* that they were liquor-sellers; I will not say *because* they were liquor-sellers. Aldermen themselves have testified to the fact, that these men were selected while they were known to be liquor-sellers, and that the aldermen themselves see nothing wrong in it. (8.) In the eighth place, various efforts have been made by the authorities of the city to get the law repealed. (9.) In the ninth place, the city government has never used the seizure clause, which Judge Sanger says is the most efficient instrumentality of the law, and with which there is no difficulty whatever in the execution of the law. Whether the jury agree or disagree, the liquors are held, in which case they are practically confiscated; and if the dealer lays in another stock, that stock may also be seized. (10.) In the tenth place, the city of Boston has rarely appointed an agent according to law, though expressly commanded by the law to do so, for the sale of liquors

for medicinal uses. (11.) In the eleventh place, when appointed, as in one or two instances they have been, it is very well settled that the agents have not conformed to the legal restraints of the law. (12.) In the twelfth place, Boston has never called upon the violators of the law to cease their violations of it. (13.) In the thirteenth place, Boston has never called upon good citizens to aid in executing the law. (14.) In the fourteenth place, when urged to official duty by citizens, the government has reasoned unreasonably against the execution of the law. (15.) In the fifteenth place, the city government of Boston has resisted bills at different times before the legislature, intended to aid in enforcing the law, such as the *Jury Bills* and the *Metropolitan Police Bill*. (16.) In the sixteenth place, its police have not generally aided the State Constabulary, though commanded by the law to do so. And the Constable of the Commonwealth reports that, in some instances, they have opposed them, and opposed them even by their testimony for defendants in criminal suits. (17.) In the seventeenth place, the authorities have used office to perpetuate their own occupancy of office, rather than to discharge their official obligations by the execution of the laws. (18.) In the eight-

eenth place, summing all these objections together, I charge the city of Boston, in respect to Massachusetts criminal law, with standing in the attitude of an arrant nullifier, as much so as South Carolina herself touching the United States law. All these points are substantially conceded by gentlemen who have been on the stand.

The Hon. Mr. Gaffield, a member of the Board of Aldermen, declared, in answer to a cross-question, that there had been, he was well aware, no effort to execute the law.

That is my first answer to the charge that the law has not been executed.

II. My second answer is that the law *is executed*. The Constabulary are reporting good work. The annual statement of the department speaks well for it. Let it be granted that it is, to some extent, rose-colored. I think, gentlemen, if any one of us were made chief Constable, and charged with the work of reducing liquor-selling into subordination to law, in a city like Boston, whose authorities, with nearly *four hundred policemen* at command, had steadily declared, for fifteen years, that the work was impracticable, and with thirty men had accomplished what Major Jones has done,

we should be inclined to look upon our achievements on the bright side. But it must not be forgotten that the places reported closed may be opened again, for which the Constable himself is not responsible.

Mr. CHILD. Have they ever been entirely closed, so that there were no sales made?

Mr. MINER. If the nearly one thousand men who have notified the authorities that they have stopped the sale since this hearing began, have not kept their word, I leave the question of their integrity to the learned counsel on the other side. We are talking about the respectability of the business, about respectable dealers in liquor. And when they prove that these men, at the rate of 639 per month, who have sent up their names, saying that they have discontinued their business, do not keep their pledges, I summon you to report a bill a thousand times more emphatic than has yet been asked for against these liquor-sellers. I say nothing about the character of these men. I do not know them much; and the side on which I do know them, is probably their worst side; at all events it is bad enough. I leave them. They send in their names and places of business, pledging discontinuance, and if they falsify, I leave them

and their friends to settle the question of their integrity between themselves.

But I was saying that the law is executed. I cannot forbear to call your attention to several of the witnesses who have appeared here. The prosecuting attorneys in the several districts, summoned here by the counsel for the petitioners for a license, have generally testified against them. They have testified that the law is extensively executed to the suppression of the traffic; and that on the whole the prospect for its execution throughout the Commonwealth, including Boston, is very good. District-Attorney Gillette says that in some towns in Berkshire County it is suppressed to a very considerable extent, but that in Hampden it is not so much so. Judge Marston, of Barnstable, testified that the law had had great effect upon the traffic. Sheriff Bearseley declared that he knew of no places in the district where liquors can be had. Hon. O. R. Clark, of Winchester, testified that he knew of no open places of sale in his town; and the same is true of other towns of his acquaintance. Even in the neighborhood of his place of business in Boston, the traffic has very much diminished. Mayor Frost, of Chelsea, testified that there was no open sale, so far as he knew, in Chelsea. The

Selectmen of Dorchester testify that there is no open sale in that town. Mr. Upham, their chairman, states that the present board, their opinions being well known, were re-elected for the fourth term by a very large majority. We have the testimony of Judge Ladd, of Cambridge, that the law has had a visible effect upon the traffic in that city. Judge Mellen testifies most emphatically in favor of prohibition, and against license; and says that he is an ingenious man who can engraft the one upon the other, and make them work together. Mayor Currier, of Newburyport, testified that the traffic was very much checked in that city.

Mayor Usher, of Lynn, declares that there is no open sale in Lynn. Judge Dewey, of Milford, testifies that there is no open sale in Milford; and that he himself had changed his views in regard to the law, and now favors the present law. Rev. Dr. Seelye, of Easthampton, says that not a glass of alcoholic beverages can be obtained in his place.

President Hopkins, of Williams College, stated that the repeal of the prohibitory law would be a great calamity upon the people. Hon. Oliver Ames, a large manufacturer, of Easton, says that there is no open sale of liquor in his town, and that his men are sober and industrious. Judge

Marston says that the law can be executed in Barnstable County and in Boston. Judge Sanger says that there is no difficulty in executing the law; that this is the strongest law that can be made. The seizure clause, he declared, gives it great power; and the traffic in Boston is very much restrained and reduced. He says that prominent dealers are daily coming to him and saying that, if this law is sustained, they must quit their business. I will not quote the assurances of numerous private gentlemen, who have testified here. The Chief of Police, Mr. Kurtz, at the beginning of the year, reports 1,515 places of sale where, in 1860, there were 2,229 places reported, showing a reduction in the number of places of over 700, notwithstanding the growth of population during the past six or seven years. Major Jones reports, at the same date, that he can find but 690 places of sale; and many of these have now discontinued.

III. My third answer to the objection that the law cannot be executed, is, that the petitioners propose to keep the present law to execute it upon the unlicensed. Their doctrine is that it cannot be executed now, because the liquor-sellers

and liquor drinkers are not in sympathy with it; but that if license is granted to some of them to sell, so that the lovers of liquor may have their alcoholic beverages, they will turn around and support it. Support what? Why, that part of the law that secures to drinkers their beverages. "What else? That remains to be seen. It is too popular, they admit by their acts, to hazard the repeal of it. And when it was attempted by the counsel for the remonstrants to bring out some facts as to its enforcement, during the examination of Judge Sanger, and it was admitted by Judge Sanger that it could be executed, the counsel added that it could be executed "upon the men,"—as if the law was not intended to be executed upon the men. But let me add that it is executed upon the liquors as well as the men; as shown in the confiscation of them to the value of many thousands of dollars.

Public opinion, it is alleged, does not sustain the law. This has been claimed as the foundation of effort from the beginning. What appears on this subject? The Reverend Mr. Otheman testified that he had received returns from 1,025 clergymen; and that 962 were in favor of prohi-

bition, 56 in favor of license, and 7 undecided. Of the 56, there were Roman Catholic, 25; Episcopal, 8; Trinitarian Congregationalist, 2; Universalist, (I am ashamed to say,) 1; Unitarian, 12; Swedenborgian, 5; and unknown, 3.

Remember the theory of the Romish Church, largely shared, as would appear from the evasive testimony of Rev. Dr. Edson, of Lowell, by the Episcopal Church; a theory that outlaws the State, claims everything for the clergy, and seeks to dominate over the consciences of men, even at the Friday dinner-table. Are you surprised to find their priests opposed to the law? The learned counsel on the other side, who knows personal habits, knew very well whom to summon here to represent the drinking portion of the clergy.

Besides this, gentlemen, I have here a bundle of letters from various quarters. One from Dr. H. R. Storer, enclosing an extract from a letter from Hon. Alfred Hitchcock, of Fitchburg, in reference to the influence of alcoholic liquors, which says, finally, that we should "perfect our present prohibitory law, and then execute it;" and Dr. Storer adds, "that is pretty true to the mark." I have here some seven or eight letters from missionaries, some in this city, and some in

other cities, uniformly alleging that a license system, engrafted upon the present law, would be a calamity. I have several letters from Universalist clergymen, uniformly expressing the feeling that the enactment of a license law would be wrong in principle. Here is a letter from Dr. Chickering, of the Suffolk Temperance Union, to which our honorable friend, Mr. Child, belongs. He declares that, while the association was organized to labor in regard to the moral and religious aspects of the cause, the secretary, in his annual reports, and in a hundred different pulpits, has urged the duty of prohibition.

Other testimony is in hand. Marvin Lincoln, Esq., inventor of the "Lincoln Arm," who travels much, repels the allegation that travellers would abandon our first-class houses if liquors were cast out. On the contrary, the disturbances they occasion, are, at present, the chief objection to such houses.

The other night, at the close of a lecture in the Tremont Temple, the Temple being full, the question in regard to prohibition was submitted. Some one moved that the audience should vote on the question—a promiscuous audience of a Sunday evening. The president of the evening stepped

forward and remarked that all the lecturers upon the subject throughout the course, had been left entirely free to express their own opinions; and he wished every one present to express his opinion, with equal freedom. The answer was an almost unanimous "aye." When the vote of those in the negative, favoring license, was called for, there was one "no" here; another over there; and another yonder; making in all certainly four, the chairman thought there were five, "noes." The Hon. Mr. Clark, of Winchester, testified that the question was put to a congregation of two thousand persons in the town of Woburn, and by a unanimous rising vote they said "no" to license, and "aye" to prohibition.

Of the remonstrances which have been placed before the House, a synopsis has been given me to the following effect; and they have generally been volunteer remonstrances against a license system: The whole number, up to March 21, was 258, from 182 different towns in the Commonwealth. The whole number of remonstrants, up to April 1, is 57,429. Besides these, there are five or six thousand others from churches, district conventions, and lodges of the Sons of Temperance, in which number there are twenty-five

additional remonstrances from the city of Boston, making a total of more than *sixty thousand* remonstrants—not all of them voters, some being women and some children. I understand that there are twenty to thirty thousand professed voters, who petition for a license law.

It has been objected that though the law has been executed upon the places of sale in Boston, and though the number of them has been diminished, yet the amount of drunkenness has not been diminished. The allegation is more than doubtful. The evidence is conclusive that drunkenness has visibly decreased, in various parts of the city, within the last two months. I should scarcely have expected the results which have been obtained by the application of the law in Boston, in so brief a period. We had, however, according to the report of the Constable of the Commonwealth, at the beginning of the year, sixty places in every ward, and, according to the police reports, a hundred and twenty-five on the average in each of the wards, where liquor was still sold. Now, take sixty shops and scatter them through any one of our wards, and we should have one within a stone's throw of every citizen. I should not expect great restriction under such a state of things. Hence

the objection to a license system in Boston. You would have the same opportunities for moderate drinking which you have under the present state of things; so that it becomes a mere question who shall sell. A thousand men can do all the harm that three or five thousand can do. But, as applied to the other parts of the State, the objection probably has still less warrant.

The State Constable reports for the past month, as you see in the papers of last evening, 639 discontinuances in the State during the month of March; or, at that rate, nearly a thousand discontinuances pledged since this hearing began. Certainly, should this decrease go on, the traffic cannot long endure.

It has been objected that apothecaries cannot carry on their business under the law. It does not appear that they have attempted to do so. At the hearing the other night, it was made manifest that the law provides for the appointment of agents to sell for medicinal purposes, in a way, it is true, which involves some slight inconveniences, such as the keeping of a double record; but these inconveniences are nothing in comparison with the magnitude of the evils that would be prevented. The

law, as we believe, affords sufficient accommodation in this particular.*

It has been objected that, under the operation of this law, other places, (and club rooms have been particularly named,) will everywhere spring up, to which young men will resort for the purpose of procuring liquor. It was alleged that this is one of the many evils growing out of the law, by a former prosecuting attorney of Suffolk County, (Mr. Brewster,) who stated that he had given professional counsel in regard to forming such clubs and avoiding the penalties of the law. Mr. Frank Edson, agent of the town of Hadley, testified that liquor drinking was on the increase, and that clubs had sprung up in neighboring towns, instancing Northampton. It appeared, on cross-examination, that he was not a total abstainer, that he had joined one of the objectionable clubs at Northampton, and that liquors were drank in that club. I submit that such testimony is not

* The hazards of apothecaries abusing their privileges are very great. Mr. James L. Hunt, of Hingham, both apothecary and town agent, who was one of the principal witnesses at the apothecaries' hearing, and with whom the leading counsel for the petitioners had evidently been in communication on the subject of his testimony, notwithstanding their hearing was professedly an independent one, has since been prosecuted by the constabulary as a common seller, has pleaded guilty, been deposed by the selectmen from his town agency, and forfeited his bond of \$600.

competent. I believe that men who come up here and set forth the evils which they allege grow out of the law, and then turn around and confess that they are aiding and abetting the breaking of the law themselves, are witnesses whose testimony should be received with great caution. But the law on that subject is quite explicit, and seems to me entirely adequate to meet such a case. At all events, I am sure it can be made to cover it, if it does not now. I refer to section 33 of the law:—

“In all cases under this chapter, delivery of intoxicating liquor in or from any building or place, other than in a private dwelling-house or its dependencies, or in such dwelling-house or dependencies, if part of the same is a tavern, public eating-house, grocery, or other place of common resort, shall be deemed *prima facie* evidence of, and punishable as a sale; and a delivery in or from a private dwelling-house with payment or promise of payment either express or implied, on, before, or after such delivery, shall be deemed *prima facie* evidence of and punishable as a sale.”

I do not see how a club-house can break its way through that section, even with the aid of professional skill.

It has been said that this law prevents moral effort; but I have not heard this testimony from any gentleman except clergymen who do not believe in the law, and who themselves commonly

use, moderately, intoxicating beverages. On the other hand, I am sure that every true temperance laborer is encouraged by the law. In lessening temptation, it aids his work. It furnishes a standard to which to attain, and helps to educate the people to its level. Besides, it is greatly useful in holding whatever is gained in any community.

It has been said that the law is opposed to the natural, constitutional love of excitement which dwells in us all. I bring my charge here, gentlemen of the Committee—the gravest charge of all, probably, against the drinking usages of society, namely: that this love of excitement is not a natural love; it is an artificial love, created through the operation of hereditary law and personal indulgence. The imperfect, excitable, unhealthy, constitutions of the great mass of the people are the fruits of these causes; and until we shall have reared several generations free from the use of intoxicating beverages, we shall not emerge from under the cloud of this alcoholic curse, so as to judge this question on its merits.

There are various other objections, such as that liquors may be exported to the heathen under this law. Our law does, indeed, permit the manufacture of liquors, under license, to be sold in certain

quantities, for chemical and mechanical purposes at home, and to be exported from the State, that they may be used for the same purposes abroad. The law cannot go further. It has done all it can. It remains for other communities to place such restrictions upon the traffic as they may please. Tyrannical as the law is alleged to be, it does not assume to dominate other States than Massachusetts.

It is said, too, that there is a natural obstinacy in the hearts of men, and that if you tell a man he shall not do a thing, he will. That applies to every criminal law, and to every criminal act as well as to this.

It is said that it is no crime to sell a single glass; the law, therefore, should permit the traffic within the limits of innocence. It is no crime to sell a single glass, from proper motives and for proper ends; and such sales are provided for under the law we have.

It is said that similar laws have been enacted in other countries, and that they have failed. I am not aware, gentlemen, what facts may justify this statement of witnesses, or this implied declaration on the part of the learned counsel who have been conducting this case; but I submit one thing, that experiments which have failed in the old world are not pertinent to our circumstances and to this

issue. We are trying a grand experiment of democratic institutions, in a manner and with a measure of success, to which it is believed the old world can nowhere furnish a parallel. We claim that Massachusetts and other Commonwealths in our Federal Union are quite competent and quite able, if the public good demands it, to suppress the traffic in alcoholic beverages.

The intimation has been made that the control, given by the law to the government over the manufacture and sale of alcoholic mixtures for all the purposes recognized in the law, involves the direction of such vast wealth, that it cannot fail to corrupt the government itself. Such an intimation comes with ill grace from the defender of criminals, who for fifteen years have trampled the authority of the Commonwealth beneath their feet, and to a great extent have nullified the criminal laws of the State. In the hands of men pecuniarily interested, this control has already produced enormous corruption; extending not only to the city authorities, the witness stand, and the jury box, but to the gubernatorial chair, the judge's ermine, and the sacred desk itself. What is the evidence that in hands of men not pecuniarily interested, it will produce the same results?

The discretion which is proposed to be given to towns and cities would be a grave difficulty, and I come now, gentlemen, to the genius of the law desired: "Grafting license on prohibition." I greatly regret, gentlemen of the Committee, that the learned counsel should have seen fit to put the subject in that light; but it is a very suggestive light. Graft license on prohibition? Graft the *cocculus indicus* on your beautiful pear-tree! *Grafting*, indeed!

It is a direct and entire reversion of the principle; and not a few of the witnesses have distinctly admitted that that is the reason they ask for it. They want liquor sold as a beverage. That is, they do not want that restraint which this law threatens, and which the petitioners for a license law profess to ask that they may have in a larger measure. There are various difficulties which will arise from giving discretion to the towns and cities of the Commonwealth on such a subject. It inaugurates a system of measures based on a false principle; it licenses a great evil, corrupting wherever tolerated, and throws a firebrand into the midst of these communities themselves.

Let me call your attention to the testimony of the eminent Lord Chesterfield, given in the British

Parliament, more than a hundred years ago, where they were discussing the same subject:—

“Luxury, my lords, is to be taxed, but vice prohibited, let the difficulty of the law be what it will. Luxury, or that which is pernicious by excess, may very properly be taxed, that such excess, though not unlawful, may be made difficult; but the use of those things which are simply hurtful in their own nature, (intoxicating drinks as a beverage are always so), and in every degree, is to be prohibited. Would you allow a tax on a breach of the ten commandments? Would not such a tax be wicked, scandalous, because it would be simply an indulgence to all those who could pay the tax? Is not this reproach most justly thrown by Protestants upon the Church of Rome? Was it not the chief cause of the Reformation, and will you follow the precedent?”

It is to this principle, more emphatically than to anything else, that we object: the licensing men to do evil, with or without pay. But, aside from that, I urge, first, that it throws a firebrand into every municipality, and especially into every one that is nearly equally balanced. You can have no steady policy. It will be license this year and reversal next, if there shall be reversal at all; and you will always have the profits of the traffic as a bribe to men to vote for the continuance of the license.

But, secondly, in the larger cities, it will throw the sober, abstemious, industrious, intelligent citi-

zens into the hands of those who cannot appreciate the moral and economical principles involved in this question. Were the State to adopt this measure, it would be an abandonment, (I beg you not to overlook it,) on the part of the State of the protection of the sober denizens of the city, throwing them, as regards the criminal law, into the hands of the criminal masses themselves. Too nearly have these criminal masses already controlled the action of the Commonwealth. They hesitate not to threaten violence to every man who throws the light of truth upon their iniquities. What will they not do when the subject is left to the city itself?

- In the third place, everywhere rich voluptuaries will combine with imbruted ignorance to bear down the sober industry of the Commonwealth; and while we welcome men from every nation here, with whatever measure of intelligence or virtue they may bring, we should beware, (as in some of our large cities would happen,) of casting the criminal responsibilities exclusively, as it were, into their hands. The operation of a license law is clearly set forth in a paper sent me by Judge Crosby, of Lowell, (the "Philadelphia Press" of March 26,) which contains an editorial showing that the license law is not regarded in that city,

and that young men and young women are fast falling into habits of intemperance.

From the article which is headed "Crime and Intemperance," I make the following extract:—

"The prison agent reports that 'of the 19,468 commitments last year, 14,361 were on account of offences directly or indirectly traceable to the use of intoxicating liquors.' There were, besides, more than 24,000 arrests in Philadelphia during the same period which did not result in commitments, and these were doubtless nearly all of persons in various stages of intoxication. We have the worst license system that could be devised. Liquor is openly dispensed, everywhere, with no other restriction than that a certain sum shall be paid into the treasury, and even this is not very stringently enforced. The regulations that prevailed before the temperance agitation was commenced, were infinitely better than those now in existence. The temptations have been multiplied, until there is a special lure for every locality, for the young as well as the middle-aged or the old, for women as well as men, and for all ranks and conditions of society. The necessity of a check of some kind on the sale of ardent spirits has long been recognized in almost every civilized community. But in this city we have practically no legal restraints or checks whatever."

Fourthly: if, however, these laws were restraining, all the existing difficulties would still remain; all the difficulties of principle, as regards rights themselves, all the difficulties of execution; and there would be other and insurmountable difficul-

ties in addition. It is no longer the prohibition of sale, it is the permission of sale under conditions. You must enter the shop; you must perceive the conditions violated; you must prove the conditions violated, ere you can enforce the restraining elements of the law.

Besides, fifthly, if a license law is executed, it can be of no practical value to the temperance cause. If, as I have just now said, a few men can do all the evil, and perpetuate all the woe that a greater number of men can inflict, it becomes mainly a question of men into whose hands the trade shall fall. I undertake to say, gentlemen of the Committee, we can never have any great advantage in that respect. The business itself is not one that will invite men of high character to enter into it. Whatever your course may be on this subject, the liquor-sellers of Massachusetts, so long as you cherish the character which the State now enjoys, will be men of moderate moral attainments. Why, gentlemen, though an eminent representative of the traffic, standing here the other day, admitted that he wanted a law to make his business respectable, I allege that the thing itself is impossible. Massachusetts cannot enact a law that will make the selling of liquors, as beverages, respect-

able. If the angel Gabriel should come down to earth and sell liquors as beverages, he would not lift the business up to Heaven, but the business would drag the angel down to Hell.

If I were to define a license law, stringent or otherwise, engrafted upon our present law or standing alone, I would say that it is a legal means of recruiting the army of drunkards, with the approbation of ex-governors of the Commonwealth, whiskey-drinking priests, and members of the Faculty of Harvard Medical College. Recall Judge Sanger's testimony on this subject. When asked how the regulations of the law were to be enforced so as to prevent drunkenness, he said:—"When a man is drunk he can be taken into court as he is now, and the court and jury will judge whether he is drunk or not." Exactly. The license law is a legal means for making drunkards. It is a legal means, therefore, for continuing all the woes which we have heretofore suffered, and of which we have a right to complain.

This is no new scheme. We are not discussing for the first time the question whether we will or will not have a license law. The world is full of license laws, and the license has been a great deal larger than the law wherever they have existed;

and if we had a license law here, gentlemen, there would be no interest on the part of the Commonwealth to enforce the restrictive clauses of the law, if there were any. Practically, the brandy would do just as much harm, whether sold by A, licensed, or by B, unlicensed; and that fact being inevitable, nothing would remain to compensate the moral reformer for his efforts to secure the enforcement of the law. Make a stringent license law this year, and the next, a relaxation will be wanted here, and the year after, another relaxation there, and so on, as with the Excise Law in the legislature of New York at the present moment. The business is a lawless one. Whatever attempt may be made to regulate it, it will still prove an irregularity. It cannot be brought under any law. It defies all law, human and divine; and if it is not opposed to our State Constitution, as endangering the "safety and happiness" of the Commonwealth, or of the Constitution of the United States, as opposed to the "general welfare" which that instrument was designed to promote, it is opposed to the human constitution, which God Almighty himself made, and Massachusetts law cannot reverse that relationship.

Enacting a license law is legislating from beneath. It is dragging down the general con-

science, morality, self-denial, and self-sacrifice of our citizens, to the level of the imbruted masses and luxurious voluptuaries of the Commonwealth. Our legislation should *tend*, at least, toward the upper level; it should be an effort to lift the masses up by the educating power of the law itself. The law would thus be a great instrumentality for good. Whatever men may say, whatever men may do, when your sons and your daughters see the Constable of the Commonwealth, pouring the foul adulterations, or the most regular and Christian brandies, into the streets of your cities, it teaches them the vileness wrapped up in such commodities, and the wickedness of the traffic. Let us not lose that lesson.

Whatever may be said by interested parties, or by wine-drinking gentlemen of eminent gravity, there is no question whatever that the moral sentiment of this Commonwealth, on the subject of the prohibition of the sale of liquors and abstinence from their use as beverages, is vastly higher than ever before. There is more heart in Christian men and women, more heart in moral reformers, more hope of success cherished by the men who have been laboring and sacrificing for years to carry forward this reform, than ever before. Engraft license on

prohibition, and you plunge a dagger to the Christian heart of the Commonwealth. The Commonwealth itself is groaning in agony, at this moment, lest you should do some such vile thing; and in the name of the Christian citizens of this Commonwealth, I charge you not to bloody your hands with this accursed business, any single man of you.

It is somewhat significant, gentlemen of the Committee, that the learned counsel in this hearing have not introduced even one witness to show that a license law ever did work well. They were too shrewd for that. They are without data to support such a proposition. I permit them to quote, whether introduced here as evidence or not, from all the authorities under heaven, to show that a license law ever did any good. Is it not remarkable that they should come here to make a case, and should attempt to adduce no evidence to the point?

There is another very significant fact, gentlemen. They have not dared to tell us what sort of a law they want. Again, and again, and again, have we pressed them to bring in a bill that should define those very stringent regulations they talk so much about, and which they throw off by wholesale upon the existing prohibitory law,—a law, which they say,

and have from the beginning said, is not satisfactory to temperance men; but we have never been able to learn how they dove-tail these systems together. They never have presented a bill. They have presented an outline of a bill, and what is it? Look it in the face. It casts down the authority of the State; gives discretionary power to towns and cities, whether to cherish or punish crime; and thereby invites criminals, in every corrupt locality, to seize the reins of government and plunge us into anarchy.

Imagine Boston with such discretionary power, and the spirit that has ruled our city on this subject. Imagine, for a moment, the city of Boston with power to license hotel-keepers, victuallers, grocers, apothecaries, &c., under such restrictions as she herself may impose! How very rigid those restrictions would be, especially the first year; after that we can judge a little what they would be. But what is a taverner? What are the indispensable marks of a hotel? Hotels are to furnish liquors to their guests. Who is a guest? A man who visits a given house merely to obtain liquors, or must he call for a dinner? What constitutes a victualler? One plate of pie in the window, or ten? If these gentlemen had given us a draft of their exceedingly

stringent bill, we should know where the limits would be in these regards. But, practically, there are no limits, even as respects apothecaries. While I believe there are many eminently moral men engaged in that business, yet, no doubt, there are a great many men—as was admitted here the other evening—who are not competent for the business, who would place medicine bottles in the front room, and have their whiskey casks in the rear. Now who shall say what limit shall be given to the number that shall receive license under this law? I do not perceive but that the broadest indulgence might be given under the details of the proposed plan.

Great stress is laid upon the fact that there will be no open bars. Gentlemen, do not let that word *bar* blind you to the effects of brandy. Do not depend upon that feature. It is in evidence here that most of the tippling abroad is by persons who sit down at the table and drink. That is the fashion abroad. You have only to go into the hotel or eating-house, and sit down at the table, and you are within the law. Grant a room or rooms in such establishments where liquor is sold and drank, and that practically covers the whole question. Do not be blinded by the pledge that there shall be no open bars. Beside, it has been alleged in evidence

here, that this prohibitory law causes persons to carry their liquors home to be drank there, and that this is the worst of all methods of drinking; and yet those who desire a change in the law, would have you license grocers to sell liquors as beverages to families to be taken home. I will not say whether this would be better or worse than existing methods.

But there is another point. It is a significant fact, that the learned counsel in this case have asked, what their constituents have not asked. Mr. Alpheus Hardy, the leading petitioner, testified that he would license hotels to sell to their guests, but not to sell to citizens; and whether or not he would license groceries, he had not made up his mind. Beyond that point he was not prepared to go. And yet, acting for these petitioners for license, the learned counsel would have a law that should engraft upon your prohibitory law, license to taverners, victuallers, apothecaries, and grocers; and practically such license might become everywhere unrestrained, especially in the city of Boston. What is the significance of this fact? Gentlemen, they are acting for somebody else than Alpheus Hardy. That is what it means.

There are various other inconsistencies here. They began with a most emphatic declaration that they wanted something stringent. The prohibitory law having failed, and there being more drinking of liquors as beverages, and more intemperance than ever before, they would have something to restrain it; and yet, before they knew it they were proving that the prohibitory law trenches upon personal rights. They were proving that the law which they ask for, would bring to its support a multitude of men that will not submit to the provisions of the prohibitory law, because it deprives them of their accustomed dram. They were unconsciously proving to you that the very law they were condemning, is held by themselves in higher esteem than they would admit; for their witnesses were saying, and they by their questions were implying, that it was a better law than the license law, and on a higher level. "People are not *up* to it." "You cannot make men virtuous by act of parliament." To conform to the law is to be virtuous. That is their confession. They are seeking an instrumentality that would drag the people down.

Their appreciation of the measure was shown in another way. When by cross-questions we under-

took to ascertain whether the witnesses used intoxicating drinks, there was a sensitiveness manifested in various quarters, which showed their conviction that drinking is a shameful practice. Some of their witnesses testified that if the law could be executed, they would bid it God-speed. The Hon. Emory Washburn, and other eminent men, gave hearty testimony that if the law could be executed, they would by no means have it repealed.

The prohibitory law, gentlemen, is objected to on the ground that it establishes a guardianship over individual habits and customs. Yet this guardianship, you observe, is general, is embodied in law, and rests on the authority of the Commonwealth. They would not abolish that guardianship, but simply change it, under the license law, to the licensee, allowing him to determine whether the applicant or patron shall have any liquor or not, and if any how much; violating individual right just as much as before, but violating it, not through the discretion of an equal law of the Commonwealth, but through the discretion of the licensed seller himself. Such discretion must be untrustworthy. On the one hand, bribed by his profits, on the other, muddled by the liquor he drinks, he knows not when to refuse the applicant, who, in a like muddled condi-

tion, careless of his own interests, and incapable of the exercise of his own judgment, seeks in vain the imaginary limit of glorious moderation. These are some of the mischievous elements of this proposed law.

You have been told much of the duplicity of temperance men. I will not defend my collaborators. They stand before you and speak for themselves. My noble colleague, [William B. Spooner, Esq.,] a distinguished merchant of this city, a zealous, consistent and persevering toiler in this cause of purity and good order, himself but a sample of thousands in the Commonwealth, is a sufficient refutation of such calumny. When Professor Agassiz, who was quite emphatic on this point, was cross-examined, it appeared that the duplicity was among the people with whom he was associated, moderate indulgers; not with temperance men, technically speaking. One ex-governor illustrated the duplicity of the friends of the law, by the example of three members of the legislature who voted for it, and came to the hotel where he stopped to indulge in a glass, declaring their belief that the law would never be executed. Is such duplicity chargeable upon temperance men? There is duplicity abroad, I admit. I think you, gentlemen of the Committee,

who have observed the changes of the wind for these six weeks, do not need to be pointed to illustrations of it. There are examples of it all about us. The business of liquor-selling itself, and especially the business of defending liquor-selling, involve duplicity. Take the quantity and the quality of the liquors adulterated; take the means that are employed to carry the business forward; take the tergiversations, subterfuges and evasions of those who say they will obey the law, and do not; take all these into account, and we have duplicity, and enough of it. Remember that here is a foe to be watched, to be guarded; and if you have a strong hold on this enemy, in the name of righteousness and of good order, I exhort you not to let go that hold.

Gentlemen, the policy of this State will not be a hybrid policy. You will either have prohibition, or, in the long run, you will have broad license. This is the issue. Some of the petitioners say they do not mean restriction. I fearlessly charge that the movement does not mean what it professes—greater restriction than the prohibitory law can give; but it means greater freedom of sale than can be had with the prohibitory law; it means nothing less

than this. This Christian Commonwealth looks to you for protection against such efforts.

Our law now on the statute books, though not in itself perfect, is probably the best law Massachusetts ever had; the strongest and most perfect law any of our Commonwealths ever had, on this subject. It is already a success; and it is because of its success that we have this Wilderness fight at the State capitol. It has proved a noble educator to the Commonwealth, and ought to stand here to check and qualify the influences of the liquor traffic. In a great city, where the pulpit and the press are so often false, the educating power of such a law is demanded by every interest that can influence reasonable, Christian legislators. It is a sublime moral spectacle, gentlemen, which Massachusetts presents, in standing forth here before the Commonwealths of our country, illustrating by her example and by her noble self-sacrifice, the principles of our holy religion, saying, in the strongest way she can say it, "We will, for the public good, put away the infamous traffic in intoxicating beverages;" saying, as emphatically as she can say, "We will take no backward step." The moment you grant the petition here preferred, that moment you paralyze the arm of the Common-

wealth—(Judge Mellen well stated it)—you paralyze the arm of the Commonwealth, and you can no longer restrain the traffic. With the conscience of the State behind the law, it and it alone can carry forward our holy cause. Other States are looking on. Wisconsin, Illinois, Ohio, and other sister Commonwealths are calling to you, gentlemen, to bear your banner high. Your responsibility is great, very great. The responsibility resting on every member of this General Court, is very great. I close with a single injunction: *Stand by your guns, and the enemy is ours!*





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